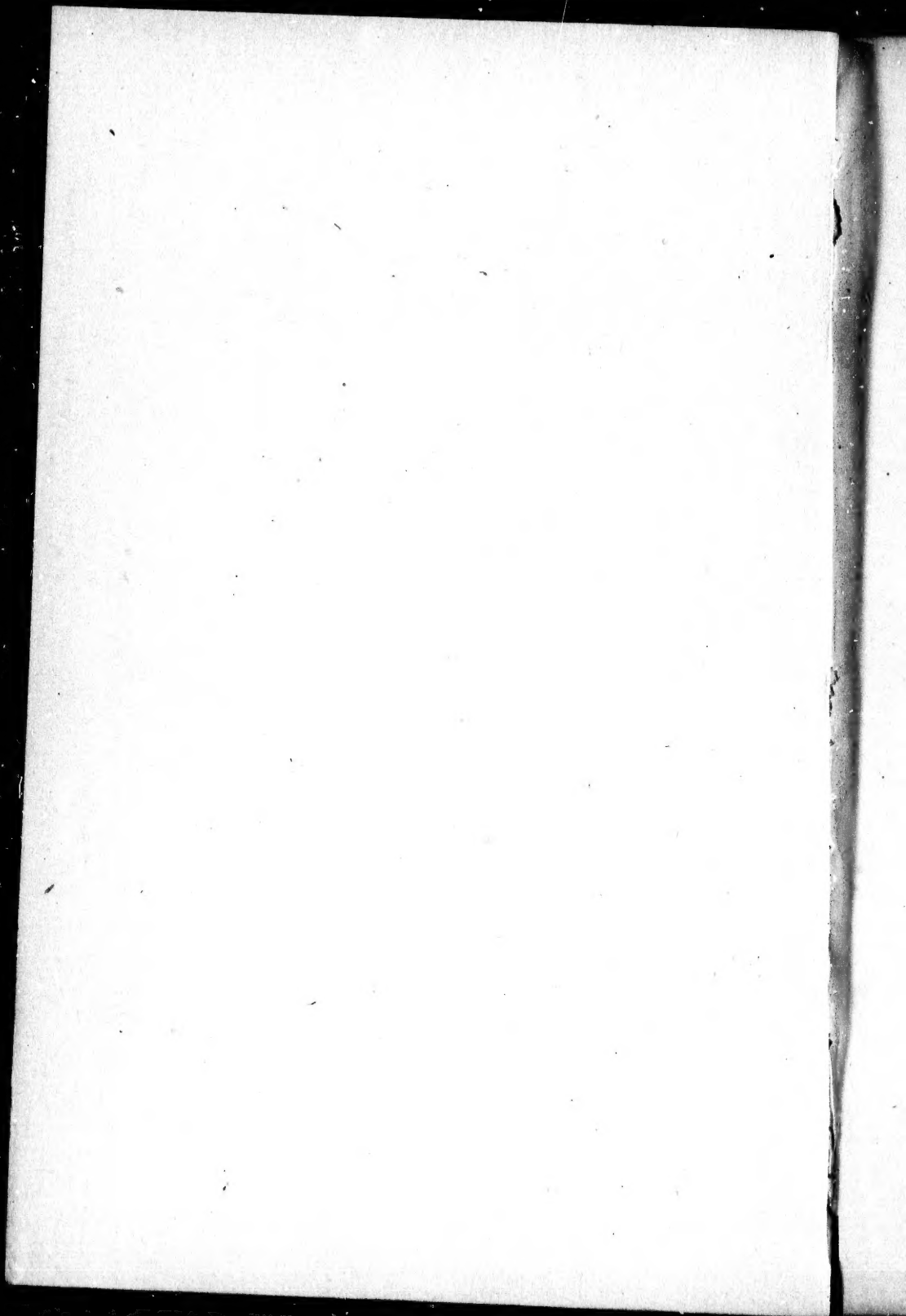




ORGANIZATION

OF THE

European and North American

RAILWAY COMPANY.

CLAYTON & MEDOLE, Printers, 4 Thames Street, Trinity Building, N. Y.

1-3180

OFFICERS AND DIRECTORS
OF THE
European and North American Railway Company.

DIRECTORS.

JOHN A. POOR, Esq., OF PORTLAND, *President.*

HON. JOSEPH EATON, OF WINSLOW.

HON. CHARLES J. GILMAN, OF BRUNSWICK.

RUFUS DWINEL, Esq., OF BANGOR.

GIDEON MAYO, Esq., OF ORONO.

A. C. MORTON, Esq., OF NEW YORK.

S. H. DALE, Esq., OF BANGOR.

CLERK AND TREASURER.

HON. NOAH WOODS, OF BANGOR.

LIST OF DOCUMENTS.

1. Charter of European & North American Railway Company, August 20, 1850.
2. Act extending Charter of European & North American Railway Company, March 29, 1853, and By-Laws of the Company.
2. Act extending Charter of European & North American Railway Company, February 20, 1856.
4. Resolves in favor of a Military Road, Jan. 31, 1863.
5. Act extending Charter of European & North American Railway Company, March 25, 1863.
6. Act extending Charter of European & North American Railway Company, Feb. 20, 1864.
7. Act granting aid from State of Maine to European & North American Railway Company, March 24, 1864.
8. Act authorizing Loan of Credit of the City of Bangor to European and North American Railway Co. March 25, 1864.
9. Certificate of vote of Bangor. September 12, 1864.
10. Resolves inviting Massachusetts aid. March 25, 1864.
11. Resolves asking aid from U. S. Gov't. March 25, 1864.
12. Bill reported by House Committee of Congress. June 20, 1864.
13. Application of Governor of Maine to Secretary of War, for appointment of Engineer.
14. Facility Bill in New Brunswick.
15. Charter in New Brunswick.
16. Resolve of Nova Scotia.
17. Certificate of Attorney General of Maine.

(No. 1.)

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY.

AN ACT to incorporate the European and North American Railway Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Sec. 1. Elijah L. Hamlin, Anson G. Chandler, John A. Poor, Moses L. Appleton, Samuel P. Strickland, Leonard March, Wyman B. S. Moor, Daniel W. Bradley, George W. Pickering, Waldo T. Pierce, Rufus Dwinel, Josiah S. Little, James B. Cahoon, Charles Q. Clapp, F. O. J. Smith, John B. Brown, John Anderson, George F. Shepley, Henry Carter, Thomas J. D. Fuller, John Stickney, George M. Chase, George Downes, Noah Smith, Jr., Ichabod R. Chadbourne, Bion Bradbury, James P. Wheeler, James S. Pike, Stephen R. Hanscom, John N. M. Brewer, and Stephen Emerson, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the European and North American Railway Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity, to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof, or interruption in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, alter and keep in repair a railway, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, culverts, drains, and all other necessary appendages, from the city of Bangor, crossing Penobscot River above the Bangor and Brewer Bridge, over the most practicable route, in a line to the city of St. John, in New Brunswick, to the Eastern boundary of the State; so as best to connect thence with a railway to be constructed from said city of St. John to said Eastern boundary, under a charter from said Province, with the like name as is used in this charter, as the directors of said corporation in the exercise of their best judgment and discretion shall judge most favorable and best calculated to promote the public convenience and carry into effect the intentions and purposes of this act. And said corporation shall be, and hereby are, invested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth. And for this purpose said corporation shall have the right to purchase, or to take and hold so much of the land and other real estate of private persons and corporations, as may be necessary for the location, construction and convenient operation of said railroad; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or

other materials, on or from the land so taken. *Provided, however, that said land so taken, shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment: and provided, also, that in all cases, said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof, may mutually agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners, for the county where such land or other property may be situated, in the same manner, and under the same conditions and limitations, as are by law provided in the case of damages by the laying out of highways. And the land so taken by said corporation, shall be held as lands taken and appropriated for public highways. And no application to said commissioners to estimate said damages shall be sustained, unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell and remove any trees standing therein, within four rods from such road, which by their liability to be blown down, or from their natural falling, might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this act. And furthermore said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities, provided and prescribed, respecting railroads, in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this chapter.*

§ 2. When said corporation shall take any land, or other estate, as aforesaid, of any infant, person non compos mentis, or femme covert, whose husband is under guardianship, the guardian of such infant, or person non compos mentis, and such femme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation, for damages or claims for damages, by reason of taking such land and estate aforesaid, and give good and valid releases and discharges therefor.

§ 3. The capital stock of said corporation shall consist of not less than ten thousand, nor more than forty thousand shares; and the immediate government and direction of the affairs of said corporation, shall be vested in seven, nine, or thirteen directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be the president of the corporation; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall be sworn, and also give bonds to the corporation with sureties to the satisfaction of the directors, in the sum of not less than fifty thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the three persons first named in the first section of this act, at such time as they may determine, in the town of Calais, and the cities of Augusta, Bangor and Portland, in this State, and elsewhere as they may appoint, to remain open for ten successive days, of which time and place of subscription public notice shall be given in some newspaper printed in Portland, Augusta, Bangor and Calais, twenty days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed forty thousand shares, the same shall be distributed among all the subscribers, according to such regulations as the persons having charge of the opening of the subscription books shall prescribe, before the opening of said books. And the three persons first named in the first section of this act, are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in the town and cities last above named, of the time and place, and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

§ 4. Said corporation shall have power to make, ordain and establish, all necessary by-laws and regulations, consistent with the constitution and laws of this State, for their government, and for the due and orderly conducting of their affairs, and the management of their property.

§ 5. The president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said railroad, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold within or without the State, land, materials, engines, and cars, and other necessary things, in the name of the corporation for the use of said road, and for the transportation of persons, goods and property of all descriptions; to make such equal assessments from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale; and shall be entitled to the overplus if his share or shares shall sell for more than the assessments due, with interest and costs of sale; *provided*, that no shareholder in said company shall be in any manner whatever liable for any debt or demand due by said company, beyond the extent of his, her or their shares in the capital stock of said company not paid up; and no assessment shall be laid upon any shares in said company of a greater amount in the whole than one hundred dollars.

§ 6. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions, which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time, by the directors of said corporation. The transportation of persons and property—the construction of wheels—the form of cars and carriages—the weights of loads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

§ 7. The legislature may authorize any other company or companies to connect any other railroad or railroads, with the railroad of said corporation, at any points on the route of said railroad. And this company is hereby authorized to connect any railways they may construct under this charter, with any other railway existing or to be constructed within this State. And said corporation shall receive and transport all persons, goods, and property of all descriptions, which may be carried and transported to the railroad of said corporation on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll on such passengers, goods and other property as may be received from such other railroads, so connected with said railroad as aforesaid, shall not exceed the general rates of freight and toll on said railroad received for freight and passengers at any of the deposits of said corporation.

§ 8. If the said railroad in the course thereof shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if the said railroad shall in the course thereof cross any canal, turnpike, railroad, or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike, or other highway; and the said corporation shall have power to raise or lower such turnpike, highway, or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon as may be necessary for the safety of travelers on said turnpike, railroad, highway or private way.

§ 9. Said railroad corporation shall constantly maintain in good repair all bridges, with their abutments and embankments, which they may construct for

the purpose of conducting their railroad over any canal, turnpike, highway, or private way, or for conducting such private way or turnpike over said railroad.

§ 10. If said railroad shall in the course thereof cross any tide waters, navigable rivers or streams, the said corporation are hereby authorized and empowered to erect, for the sole and exclusive travel on their said railroad, a bridge across each of said rivers or streams, or across any such tide waters: *provided*, said bridge or bridges shall be so constructed as not unnecessarily to obstruct or impede the navigation of said waters.

§ 11. Said railroad corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through inclosed or improved lands, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fence, said corporation shall be liable to be indicted in the district court for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence under the direction of an agent appointed by said court, as in cases of fines imposed upon towns for deficiency of highways.

§ 12. The said corporation shall at all times when the Postmaster General shall require it, be holden to transport the mail of the United States, from and to such place or places on said road as required, for a fair and reasonable compensation. And in case the corporation and the Postmaster General shall be unable to agree upon the compensation aforesaid, the legislature shall determine the same. And said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages and other vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same when the appropriate tolls therefor shall be paid and tendered, and a lien is hereby created on all articles transported for said tolls. And the said corporation, fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle for the transportation of persons or merchandise to pass over said railroad other than its own, furnished and provided for that purpose, as herein enjoined and required. *Provided, however*, that the said corporation shall be under obligations to transport over said road, in connection with their own trains, the passenger and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized; such other company being subject to all the provisions of the sixth and seventh sections of this act, as to rates of toll, and all other particulars enumerated in said sections.

§ 13. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging thereto, or any material or implements to be employed in the construction or for the use of said road, he, she, or they, or any person or persons assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court or jury, before whom the trial shall be had, to be sued for before any justice or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand jury of the county, within which trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars, to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

§ 14. Said corporation shall keep in a book for that purpose, a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature; and at the expiration of every year, the treasurer of said corporation shall make an exhibit under oath to the legislature, of the net profits derived from the income of said railroad.

§ 15. All real estate purchased by said corporation for the use of the same un-

der the fifth section of this act shall be taxable to said corporation by the several towns, cities and plantations in which said lands lie, in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same as other real estate of the same quality in such town, city or plantation, and not otherwise; and the shares owned by the respective stockholders shall be deemed personal estate, and be taxable as such to the owners thereof, in the places where they reside and have their home. And whenever the net income of said corporation shall have amounted to ten per centum per annum, upon the cost of the road and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature; from and after which time one moiety or such other portion as the legislature may from time to time determine, of the net income of said railroad accruing thereafter over and above ten per centum per annum first to be paid to the stockholders, shall annually be paid over by the treasurer of said corporation, as a tax, into the treasury of the State for the use of the State. And the State may have and maintain an action against said corporation therefor, to recover the same. But no other tax than herein is provided shall ever be levied or assessed on said corporation, or any of their privileges or franchises.

§ 16. The annual meeting of the members of said corporation shall be holden on the last Wednesday in July, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint: at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

§ 17. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation, which may be necessary, more effectually to compel a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations. And this charter shall not be revoked, annulled, altered, limited or restrained without the consent of the corporation, except by due process of law.

§ 18. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioner of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-five, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five, in either of the above mentioned cases this act shall be null and void.

§ 19. Said company shall not engage in, nor commence the construction of any section or sections of said railway, until seventy-five per centum of the estimated cost of said section or sections shall have been subscribed for by responsible persons.

§ 20. If the Provinces of New Brunswick and Nova Scotia, or either of them, shall, in any legal way and manner, constitute this company a company within its limits and jurisdiction, this company is hereby authorized and empowered to exercise within said limits and jurisdiction of such Province all the rights and powers, and shall have and enjoy all the privileges and immunities which it could have, exercise or enjoy within this State.

§ 21. The said European and North American Railway Company are hereby authorized and empowered to contract with the Government of the United States, and any foreign government or power, for the carrying of the mail of any such government or power, over or within any of the territories where said company may exercise or enjoy any of the powers, privileges, or immunities herein granted to it.

Approved, August 20th, 1850.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY.

AN ACT concerning the *European and North American Railway Company.*

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

In case the European and North American Railway Company shall be constituted a corporation in the Provinces of New Brunswick and Nova Scotia, or either of them, then and in that case the said company may be allowed to increase its capital stock, in shares of one hundred dollars each, to an amount equal to the cost of constructing said road, so incorporated and constituted, not exceeding the number of one hundred and fifty thousand shares in all.

In the House of Representatives, August 26th, 1850.

This bill having had three several readings, passed to be enacted.

SAMUEL BELCHER, *Speaker.*

In Senate, 26th, 1850.

This bill having had two several readings, passed to be enacted.

PAULINUS M. FOSTER, *President.*

Approved, August 27th, 1850.

JOHN HUBBARD.

Secretary's Office, Augusta, Aug. 27th, 1850.

I hereby certify that the foregoing is a copy of the original deposited in this office.

ALDEN JACKSON, *Deputy Secretary of State.*

STATE OF MAINE.

RESOLVE in favor of the *European and North American Railway Company.*

Resolved, That the Governor be authorized to cause a reconnoissance and preliminary survey to be made of a route for said railway, from the City of Bangor, crossing the Penobscot River north of the Bangor and Brewer Bridge, over the most practicable and direct route, in a line to the City of St. John, in New Brunswick, to the Eastern boundary of the State, so as to connect there with a railway to be constructed from said City of St. John to said Eastern boundary.

Resolved, That the Governor be authorized to draw his warrants upon the Treasury, from time to time, not exceeding the sum of five thousand dollars, to defray the necessary expenses of said reconnoissance and survey; said sum to be expended and paid under the direction of the Governor and Council.

Resolved, That the persons conducting said survey shall examine and report such geological and mineralogical evidence and facts as shall be discovered by them, in making such survey.

In the House of Representatives, August 20th, 1850.

Read and passed.

SAMUEL BELCHER, *Speaker.*

In Senate, August 20th, 1850.

Read and passed.

PAULINUS M. FOSTER, *President.*

Approved.

JOHN HUBBARD.

Secretary's Office, August 20th, 1850.

I hereby certify that the foregoing is a true copy of the original deposited in this office.

ALDEN JACKSON, *Deputy Secretary of State.*

STATE OF MAINE.

RESOLVE in regard to the *European and North American Railway Company.*

Resolved, That the Governor is hereby authorized and empowered to communicate to the President and Congress of the United States, from time to time, such information as he may deem it advisable to lay before them, as to the advantages of the route through Maine, proposed for the European and North American Railway for securing the most rapid means of communication between Europe and America, and to invite such co-operation on the part of the General Government in aid of the same, as the interests of Maine may require.

In the House of Representatives, August 26th, 1850.

Read and passed.

SAMUEL BELCHER, *Speaker.*

In Senate, August 26th, 1850.

Read and passed.

PAULINUS M. FOSTER, *President.*

Approved, August 28th, 1850.

JOHN HUBBARD.

Secretary's Office, Augusta, August 31, 1850.

I hereby certify that the foregoing is a true copy of the original deposited in this office.

JOHN G. SAWYER, *Secretary of State.*

(No. 2.)

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-THREE.

AN ACT to provide for certain Railroad connections for the *European and North American Railway Company.*

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SEC. 1. The European and North American Railway Company is hereby authorized to connect its railroad, at Bangor, with the Penobscot and Kennebec Railroad, upon such terms and arrangements that all passengers, merchandise and property coming from or destined to the road of said European and North American Railway Company, shall be transported over said Penobscot and Kennebec Railroad, at rates of fare and freight as favorable as shall at the same time be established or allowed by said Penobscot and Kennebec Railroad Company for any other passengers, merchandise, or property transported over the road of said company.

§ 2. Any railroad company, which has been, or may hereafter be chartered by the Legislature, with authority to extend its road to any point on the char-

tered route of the Penobscot and Kennebec Railroad, shall be at liberty to connect its road with said Penobscot and Kennebec Railroad, upon either side thereof, and all passengers, merchandise, or other property coming from or destined to such connecting road shall be transported over said Penobscot and Kennebec Railroad, to or from the point of connection, at rates of fare and freight as favorable as shall at the same time be established or allowed by said Penobscot and Kennebec Railroad Company, for any other passengers, merchandise, or property transported over the road of said company.

§ 3. All passengers, merchandise and property transported over any connecting road mentioned in the two preceding sections, coming from or destined to the Penobscot and Kennebec Railroad, shall be carried, received, and delivered by such connecting company, at rates of fare and freight as favorable as shall at the same time be established or allowed by such connecting company for any other passengers, merchandise, or property transported over such connecting road.

§ 4. If any of the connecting companies aforesaid shall be unable to agree with the Penobscot and Kennebec Railroad Company, in respect to the place or manner of connection with said railroad, or in respect to the terms of such connection, or the rates of fare and freight thereon, both for local and through business, or the division of receipts resulting from transportation over the roads so connected, either party may apply to the Supreme Judicial Court, holden at any term, within any county in which either of such connecting roads shall be located, for the appointment of commissioners, to determine upon the matter of such disagreement. Such notice of said application shall be given to the other party, as the Court may direct, and thereupon the Court shall appoint three Commissioners, who shall, upon due notice to the parties interested, and after hearing the same, proceed to determine and award, in writing, upon the matter submitted to them, and prescribe the things to be done and performed by the parties, or either of them; and said Commissioners shall award costs to either party at their discretion. The award of said Commissioners, or a majority of them, shall be returned to the Court, in the county where the application was made, and the same shall then be accepted and recorded, unless the Court, for cause shown, shall order the same to be recommitted, for further hearing and determination. And upon the acceptance of such award, the same shall be binding upon the respective companies interested in the same, until a new award shall be made upon a further application therefor; but no application for a further award shall be made within one year after the acceptance of a preceding award.

§ 5. The Court shall have the power to prescribe the mode of proceeding by said Commissioners, and may issue all such process as may be necessary to secure the due execution and performance of any award made and accepted under the provisions of this act.

§ 6. The capital stock of the European and North American Railway Company may be divided into not less than one thousand, nor more than one hundred and fifty thousand shares, of twenty pounds sterling each, or one hundred dollars each, as said company may elect; and said company may issue its bonds in sterling currency in the same manner as is now authorized by law.

§ 7. The European and North American Railway Company is hereby authorized to purchase or lease any portion of any other railroad, which has been chartered and located, or may hereafter be located between the City of Bangor and the eastern boundary of the State, and may purchase or lease the Penobscot and Kennebec Railroad, so as to form a connected line of road from the boundary aforesaid to the western terminus of said Penobscot and Kennebec Railroad. And in case of any such purchase, the stock and franchise of the company whose road shall be so purchased shall be consolidated into, and become a part of the stock and franchise of the European and North American Railway Company; and all the privileges and powers acquired by such purchase shall be held and enjoyed under the charter of said company, and said company shall be required to perform and discharge all the duties and liabilities imposed by law upon the company whose road shall be so purchased.

§ 8. A further time of one year from the passage of the act is hereby granted, within which the said Penobscot and Kennebec Railroad Company may make a new location of any part of their road between Waterville and Bangor, but not so as to cross the Kennebec River at any point farther north than the present actual location of its road, at Kendall's Mills.

§ 9. This act shall take effect from and after its approval by the Governor.

In the House of Representatives, March 28, 1853.

This bill having had three several readings, passed to be enacted.

JOHN C. TALBOT, Jr., *Speaker*.

In Senate, March 28, 1853.

This bill having had two several readings, passed to be enacted.

SAMUEL BUTMAN, *President*.

March 29, 1853. Approved.

WM. G. CROSBY.

Secretary's Office, Augusta, May 5, 1853.

I hereby certify that the foregoing is a true copy of the original deposited in this office.

ALDEN JACKSON, *Deputy Secretary of State*.

EUROPEAN AND NORTH AMERICAN RAILWAY.

The undersigned, the three persons first named in the section of an act passed by the Legislature of Maine, and approved the twentieth day of August, A. D. 1850, entitled "An Act to incorporate the European and North American Railway Company," and being specially authorized therefor in and by said act, hereby give public notice that, for the purpose of receiving subscriptions to the Stock of said Company, as established by the act aforesaid, according to the provisions thereof, not exceeding one hundred and fifty thousand shares, books of subscription will be opened under the direction of the undersigned, according to the regulations prescribed, at the times and places following, viz.:

At Calais, with NOAH SMITH, JR., on the 8th day of June next.

At Bangor, with WALDO T. PIERCE, on the 8th day of June next.

At Augusta, with B. A. G. FULLER, on the 10th day of June next.

At Portland, with JOHN M. ADAMS, on the 11th day of June next.

Said books will remain open for ten successive days, at the places and with the persons aforesaid.

Dated at Portland, this sixth day of May, A. D. 1853.

ELIJAH L. HAMLIN,
ANSON G. CHANDLER,
JOHN A. POOR.

BY - L A W S .

Meetings—how called.

1st. All meetings of the Stockholders shall be held at such place as the Directors for the time being shall appoint, and shall be called by a notification, published two weeks successively in two at least of the public newspapers printed in this State, the first publication to be fourteen days at least before the day of such meeting. Said notification shall specify the time and place of meeting, and the objects for which the meeting is called, and shall be signed by the President or Clerk of the Corporation. No other business shall be transacted at any special meeting of Stockholders but such as relates to the objects specified in the notification.

Meetings—Business at.

2d. No business shall be transacted or votes passed at any meeting of the Stockholders, excepting a vote to adjourn to some future time, unless there be present in person, or by proxy, Stockholders holding and representing not less than one-fifth of the whole amount of Capital Stock subscribed for. Authority to act as proxy at any meeting must be in writing, and signed by the principal. It must be produced to the presiding officer at the meeting, who shall deliver the same over to the Clerk, to be put and remain on file in his office.

Meetings—how ordered.

3d. The time and place of all meetings of the Stockholders, excepting the time of the annual meeting, shall be determined by the Directors. The first annual meeting shall be held on the third Tuesday of July, 1854, at ten o'clock in the forenoon; and all subsequent annual meetings shall be holden on the third Tuesday of July in each succeeding year, at ten o'clock, A. M. Special meetings may be ordered by the Directors when they may deem it expedient. It shall also be the duty of the Directors to order a special meeting, whenever requested, on the written application of Stockholders owning not less than one-twentieth of the whole amount of Capital Stock subscribed for.

Manner of Voting.

4TH. Questions coming before the Stockholders at any of their meetings may, by common consent, be decided by hand vote. If any Stockholder dissents from adopting that mode, the question shall be resolved by ayes and noes, by ballot, voting by shares. In all cases of voting by shares the ballot shall have written on the back thereof the number of shares which the person voting owns or represents, authenticated by the signature of the person throwing the ballot; and in case the voter acts as proxy, he shall subjoin to his signature that fact and the name of his principal. No ballot, unless so authenticated, shall be counted.

Directors—their number, qualifications and term of office, powers and duties.

5TH. The Board of Directors shall consist of thirteen members, until a different number shall be fixed upon at an annual meeting of the Stockholders, of whom not less than a majority of the whole number shall always be resident citizens of Maine; and each member of the Board must be, at the time of his election, a Shareholder in the Capital Stock of the Company; and they shall hold their office until the annual meeting next after their election, and until others are chosen in their stead, and a majority of whom shall have accepted the office. Whenever any Director, having been a resident citizen of Maine at the time of his election, shall remove out of the State, and when any Director shall cease to be a Shareholder, his office shall thereby become vacant. Whenever any vacancy shall happen in the Board of Directors, it may be filled by a new election by the remaining Directors. The Directors may establish rules for the proper regulation of their own proceedings and the orderly performance of their duties. They shall fix and determine the compensation of their officers and agents. They may erect such buildings, store-houses, wharves and work-shops as they may deem advantageous and for the interests of the Company. They may sell and dispose of any real estate or personal property belonging to the Company, whenever in their opinion the interests of the Company would be best promoted thereby. They shall have authority to lease any real estate belonging to the Company on such terms as they may judge best. They may authorize the Treasurer to hire such sums of money, on the credit and for the use of the Company, as they may deem necessary to carry out the intentions and objects of the charter, and may give such security for the payment thereof as they may deem reasonable. They shall have power to dispose of the residue of the Capital Stock authorized by the Charter, and not subscribed for at the time of the organization, in such manner, at such times, and from time to time, as they shall judge most for the interests of the Company. They shall declare all dividends, allow accounts, adjust and settle all just and equitable claims

upon the corporation, superintend the conduct and doings of the different officers and agents appointed or employed by them, and take all necessary measures to carry into effect the objects and purposes of the Company, as defined and prescribed by their charter. Directors not present at any meeting of the Directors may be allowed to vote by proxy, by giving such proxy in writing to some one of the Directors who may be present, but no Director shall be allowed to vote on more than one proxy thus held in addition to his own vote; all such proxies to be entered upon the record of such meeting.

The Directors may appoint agents residing in any other State or County, to be designated Associate Directors, and vest in such Associate Board such powers as may be necessary to enable said Board thus appointed to open transfer books, make sale of the Shares or of the Bonds or other securities of the Company, with authority to exercise on behalf of this Company all the powers necessary to carry into effect any votes of the Board of Directors.

Clerk and his Duties.

6TH. The Clerk chosen by the Board of Directors may be sworn before any Justice of the Peace or Judge of a Court of Record, and his oath of office shall be entered as of record on the records of the Directors, and be signed by the Justice or Judge administering the same. He shall ex-officio be Clerk of the Stockholders. He shall keep a fair record of all the doings of the Stockholders at their meetings, in a separate book kept for that purpose. He shall also keep, on a separate book, a record of the doings of the Directors at any of their meetings, particularly stating the names of the Directors present at any such meeting, either in person or by proxy. The tenure of office of the Clerk shall be during the pleasure of the Directors. In his absence the Directors shall choose a Clerk *pro tempore*, who shall be sworn in like manner as the Clerk, and perform his duties during such absence; and in case of the absence of the Clerk at any Stockholders' meeting, it shall be lawful for the Stockholders to choose a Clerk *pro tempore*.

Treasurer and his Duties.

7TH. The Treasurer chosen by the Directors shall hold his office during their pleasure. He shall be sworn to the faithful discharge of the duties of his office, before some Justice of the Peace or Judge of a Court of Record. He shall have an office in such place as the Directors shall determine, accessible to all persons having business with the Corporation, or any of its officers or agents. He shall keep all deeds, promissory notes, and valuable papers of the Company. He shall collect and receive all assessments, income and moneys that may be due to the Company, and disburse the same as the Board of Directors shall order. He shall surrender notes and other promissory papers on payment thereof, and discharge such mortgages as may have been given concerning the same. He shall keep a regular set of books containing the accounts of the Company, and of all its funds that may pass through his hands. He shall lay before the Directors a written statement of all notes, drafts, promises and contracts made, signed and endorsed or surrendered by him; an abstract of all moneys received and paid; a statement of all property bought and sold, and such other matters as he or the Board of Directors may deem important, when called for. He shall make a complete settlement of the accounts and books at least annually, and as much oftener as the Board of Directors shall require, and shall advise what dividends of profits may be made. He shall render an account of his doings to the Stockholders at their annual meetings. He shall notify the Stockholders of all assessments in the manner prescribed by the By-Laws. He shall deposit to his credit as Treasurer of the European and North American Railway Company, and in such bank or banks as the Directors may from time to time designate, all moneys received by him. He shall issue Certificates of Stock to all persons entitled thereto, and keep suitable books showing the number of shares held by the respective Stockholders from time to time. He shall attend faithfully to the duties prescribed in the By-Laws, and to all other duties which the Directors may require him to perform.

Common Seal.

8TH. This Company shall have a common seal, to be kept and preserved by the Treasurer, bearing the words and figures "European and North American Railway Company—incorporated August 20th, 1850," and in the centre a miniature map showing the Atlantic Ferry.

Certificates of Stock.

9TH. The holders of shares in said Capital Stock shall be entitled to certificates thereof, to be signed by the President, countersigned by the Treasurer, and authenticated by the common seal; and all certificates of shares in said Stock shall be in the following form, viz.:

EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY.

No.

Be it known that _____ proprietor of shares in the Capital Stock of the European and North American Railway Company, subject to the provisions of the Charter and the By-Laws of the Corporation, the same being transferable by an assignment thereof in the books of said corporation, or by a conveyance in writing recorded in said books. And when a transfer shall be made or recorded in the books of the corporation and this certificate surrendered, a new certificate or certificates will be issued.

Dated this _____
[L. S.]

day of

A. D. 18 _____
President.

Treasurer.

Transfer of Stock.

10TH. The following form for the transfer of Shares in the Capital Stock shall be printed on the back of every Stock Certificate, which form shall also be adopted for the transfer books of said Company, viz.:

SHARES.

EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY.

For value received, _____ hereby transfer to _____ Shares in the Capital Stock of the European and North American Railway Company, subject to the provisions of the charter and to the By-Laws of the corporation.

Dated at _____ this _____ day of _____ A. D. 18 _____
Witness,

All transfers of Shares shall be recorded either by the Treasurer in the books to be kept in his office, or by an officer duly authorized by the Directors, in books to be kept at such other place or places as they may appoint. On the receipt of such transfer or assignment and of the original certificate, a new certificate or certificates shall be issued to the person or persons who by virtue of such assignment shall become the proprietors of such share or shares; and receipts shall be given to the Treasurer of all Stock Certificates received of him.

Assessment on Shares.

11TH. The President and Directors may from time to time make such equal assessments on all the shares in said corporation as they may deem expedient and necessary for the purposes of the Company, and may direct the same to be paid to the Treasurer at such time and place as they shall deem proper, governing themselves as to the amounts of assessments, allowance of interest, and in all other respects, by the terms, conditions and regulations prescribed for the original subscription for Stock, before the opening of said book; and the Treasurer shall give notice of the amount per share of every such assessment, and of the time and place when and where the same will be due and payable, by advertisements to be printed in one or more newspapers in this State, at least thirty days before the day fixed for the payment thereof; and the Directors may give such other notice as they may deem expedient. And if any Stockholder shall neglect or refuse to pay any assessment or assess-

ments on his share or shares in said Company for the space of thirty days after the first publication of such notice, the Directors may order the Treasurer, after giving notice (as hereinafter provided) of the sale, to sell any or all such shares by public auction, to be held in such place as shall be designated by the Directors, to the highest bidder; and the same shall accordingly be transferred by the Treasurer to the purchaser, who shall be entitled to receive a certificate thereof. And notice of every such sale shall be given by the Treasurer in one or more newspapers printed in this State, at least thirty days before the day of such sale, designating the time and place thereof and the Shares to be sold.

Deeds, &c.—How Executed.

12TH. All deeds, conveyances and mortgages made in fee simple or for any other or less estate, and all leases of any real estate owned by said Company, except of said Railway, executed and acknowledged by the President, countersigned by the Treasurer and authenticated by the seal of said Company, are hereby declared to be the acts and deeds of said Company, and shall be valid and effectual as such to all intents and purposes.

By-Laws—How Amended.

13TH. The By-Laws shall not be altered, restrained or repealed, except at the annual meeting, nor unless due notice of the proposed alteration shall be inserted in the notification for the meeting at which the same is acted upon.

(No. 3.)

"AN ACT to revive the charter of the European and North American Railway Company, and to extend the time for locating and building the same."

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

The charter of the European and North American Railway Company is hereby revived, and a further time of five years from the thirty-first day of December, eighteen hundred and fifty-five, is hereby allowed within which to organize said company and file the location of said railway; and a further time of five years within which to complete said railway, in addition to the time originally allowed by law.

Approved February 20, 1856.

(No. 4.)

RESOLVES relative to the defences of our Northeast Frontier:

Resolved, That Maine expects and earnestly demands that measures be taken at once by the General Government for the protection of its Northeast frontier, and that this can be accomplished only by a military railroad from Bangor to the St. John's River.

Resolved, That our Senators and Representatives be instructed to use their utmost efforts to obtain the necessary legislation the present session of Congress, and are authorized and requested to take such measures as they may deem necessary to enable them to make an adequate presentation of the case to Congress and the departments.

Resolved, That the Governor is requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and he is authorized and requested to co-operate with them in such manner as may be deemed expedient.

Approved January 31, 1863.

(No. 5.)

AN ACT to extend the time for completing the European and North American Railway.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

That a further time of five years from the last day of December, eighteen hundred and sixty-five, is hereby allowed in which to finish and complete the European and North American Railway.

Approved March 25, 1863.

(No. 6.)

AN ACT authorizing the further extension of the European and North American Railway:

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SEC. 1. The European and North American Railway Company is hereby authorized to enter into contract with the Maine Central Railroad Company, for operating its line of railway as built, and the Maine Central Railroad Company is hereby authorized to contract for this purpose with said railway company, and to run its engines and cars over said line; and the directors of the two companies may enter into contract for the purpose aforesaid, on such terms and conditions as may in the judgment of the directors be for the mutual advantage of the two companies, subject to the approval of the stockholders of each corporation.

§ 2. The European and North American Railway Company shall have a further time of one year, within which it may make a new location of any part of its line, but not to change its general route from Bangor to the mouth of the Mattawamkeag River, with the right to pass on either side of the Penobscot River, from Oldtown to Lincoln, and to extend a branch line to the Penobscot boom, crossing any of the islands in the Penobscot River above the Cook or Steamboat channel, between Oldtown and Orson Islands; and said railway company may extend a branch of its line to the slate quarries in the valley of the Pleasant River at Brownville, and to the Katahdin Iron Works, from any point on their line between Oldtown and Lincoln. From the mouth of the Mattawamkeag River east and northeast, the said railway company may have a further time of two years in which it may file a new location of its line to the boundary in the most direct line to St. John City, in New Brunswick.

§ 3. Said railway company may extend a branch line of its railway from some point on its line east of the mouth of the Mattawamkeag to Houlton, and to the northern boundary of the State, with a branch line to Woodstock and to the St. John River at Woodstock village; *provided*, authority therefor be granted by the legislative authorities of New Brunswick.

§ 4. The European and North American Railway Company may lease its line of railroad, or enter into and execute a contract in the nature of a lease, such as will enable the lessees thereof to maintain and operate by means of said railway and other roads in extension of the same, a connected line of railway from Bangor to Halifax, in the province of Nova Scotia; and said European and North American Railway Company, under the authority of its charter, may purchase any existing lines of railway between the City of Portland and the City of Halifax, or take a lease thereof of any one or more of them. But nothing contained in this act, or any lease or contract that may be made under the authority of the same, shall exonerate said company or the stockholders thereof, from any duties or liabilities imposed upon them by the charter of said company or the general laws of the State, nor shall anything herein contained in any manner limit or circumscribe any power of the Legis-

lature of this State to enact laws affecting the rights, privileges or duties of said company; and a majority of the directors of said company shall always be citizens of this State, and said company shall always keep their office and books in this State.

§ 5. Whereas the European and North American Railway Company has acquired the rights, franchises, road-bed, right of way, and all other property of the Penobscot Railroad Company, it is hereby enacted, that said European and North American Railway Company shall have the right to enjoy the property, road-bed, rights of way, and the rights in land purchased by said Penobscot Railroad Company for road-bed, depots and other corporate purposes, and all rights of said Penobscot Railroad Company incipient or perfect, of locating and establishing its road on lands of other persons, and all its road-bed, rock cuttings, excavations, embankments, gradings, bridges, piers, abutments, or other structures or works, as an inherent part of its own franchise and property; and the location of the line of the European and North American Railway Company, made or to be made over and upon the line of said Penobscot Railroad as built, shall not give any new claim of damages to the owners of lands, whose property was taken by the location of the Penobscot Railroad, in all cases where said Penobscot Railroad Company has paid the land damages, prior to any use thereof by said European and North American Railway Company; the rights and properties held by said Penobscot Railroad Company shall hereafter be vested in said European and North American Railway Company, and shall remain in full force and efficiency unannulled and unimpaired, by any subsequent defeat, or dissolution of the Penobscot Railroad Company, whether by limitation of the time in which the road should be completed, or by any other means. And all bonds of the Penobscot Railroad Company taken for a valuable consideration, and held by the European and North American Railway Company, shall be valid in the hands of said railway company as holders thereof, as a basis of title, but for no other purpose; and no bond of said Penobscot Railroad Company shall be negotiable for any other purpose after the expiration of the charter of said company, or of any validity, other than for the purpose above set forth. Nor shall said European and North American Railway Company be in any manner liable for any debt of said Penobscot Railroad Company on account of the purchase thereof as aforesaid. And the directors of the Penobscot Railroad Company may execute any other and further instrument of lease, transfer or other conveyance to said European and North American Railway Company to carry into effect the intentions and purposes of this act. And the proceedings of the two corporations aforesaid are hereby declared valid, in case of their approval by the stockholders of the two corporations. And section eighteen of an act approved August second, eighteen hundred and forty-seven, entitled "an act to establish the Bangor and Orono Railroad," which title was, by an additional act approved August twenty-first, eighteen hundred and fifty, changed to the Penobscot Railroad Company, be and the same is hereby repealed, and any transfer of its road-bed, right of way, or other property, or of its powers, privileges and immunities by said corporation, by lease or sale to the European and North American Railway Company, which transfer, made or to be made, is hereby authorized, shall not operate to extinguish said Penobscot Railroad Company or to annul its charter; but it shall be regarded as still subsisting so far as its continuance for the purpose of upholding any right, title or interest, power, privilege or immunity ever possessed, exercised, or enjoyed by it, may be necessary for the protection of the European and North American Railway Company, its exercise of the powers, and its enjoyment of the privileges and immunities so transferred, being suspended, so long as the European and North American Railway Company shall exercise and enjoy them.

§ 6. The European and North American Railway Company shall be at all times subject to such general laws in relation to railroads, as have been or may be hereafter enacted by the Legislature of this State.

§ 7. In the construction of a bridge across the Kenduskeag stream, the said railway shall conform to such plans and regulations for the building of said bridge, and of two draws or a pivot draw, for the passage of vessels through

said bridge, and for the future management thereof at the expense of the company, as shall be prescribed by the Board of Railroad Commissioners.

§ 8. In all cases where the said European and North American Railway Company has taken six rods in width by the location of their line, and have or may hereafter release a portion of the lands, wharves or flats so taken, such release shall not impair their location, though a less width than six rods is retained for the use of said railway.

§ 9. If the line of the European and North American Railway Company is not built to Lincoln within three years from the date of the approval of this act, and completed to the boundary of New Brunswick within the time limited therefor by law, December thirty-one, eighteen hundred and seventy, this act and the charter of said company shall be null and void.

§ 10. This act takes effect on its approval by the Governor.

Approved February 20, 1863.

(No. 7.)

AN ACT to provide means for the defence of the Northeastern Frontier.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SEC. 1. Whereas the Legislature of Maine by resolves unanimously adopted, and approved by the Governor on the thirty-first day of January, in the year of our Lord one thousand eight hundred and sixty-three, asked protection of the United States Government in the language following: "Maine expects and earnestly demands, that measures be taken at once by the General Government for the protection of its Northeastern Frontier, and that this can be accomplished only by a military railroad from Bangor to the St. John River," it is hereby enacted, that to aid in the construction of such a line of railway, the proceeds of the sale of timber on ten townships of the public lands of this State, which townships shall be designated under the direction of the Governor, State Treasurer and Land Agent, who are constituted a board for this purpose, shall be paid into the Treasury of the State for the use of the European and North American Railway Company, upon the terms and conditions hereinafter expressed; and the timber on these ten townships shall be advertised in a newspaper having the largest circulation in the counties where located, and three months in two newspapers having the largest circulation in the Cities of Portland and Bangor. Sealed proposals shall be received by the Governor, State Treasurer and Land Agent, and a record of the proposals be made and kept in the land office, which shall be open to any one after the day of sale, and said sale shall be in one-eighth sections of townships; and all moneys, securities or lands received on account of the claims of Maine upon the United States Government which accrued prior to eighteen hundred and sixty-two, viz.: The claims for interest on moneys heretofore received from the United States for the value of the lands assigned to occupants under the fourth article of the treaty of Washington, and for timber cut on the territory formerly in dispute between the United States and Great Britain, after deducting the expenses of obtaining the same, shall be paid into the Treasury of the State, for the use of the European and North American Railway Company, on the terms and conditions hereinafter expressed.

§ 2. As soon as said railway company shall have constructed and completed its line by the running of cars from Bangor to Lincoln, and have notified the Governor of the State of that fact, and that said company has located its line to the boundary of New Brunswick, and is ready to proceed with the further construction of said railway, it shall be lawful for the Governor to approve of said location, and to notify said company of the same, and thereupon the said company shall be entitled to the benefit of the provisions of this act; and thereafter, as soon as said company shall construct and complete, by the running of cars, ten additional miles of railway from Lincoln toward the mouth of the Mattawamkeag, the Governor shall pay over to said company such sum as

may then be in the hands of the Treasurer derived from the proceeds of such sales of timber; and of such claims, at the rate of ten thousand dollars per mile for said ten miles, or *pro rata* for any sum then in hand less than at the rate of ten thousand dollars per mile; and so on from time to time at the same rate of ten thousand dollars per mile, or *pro rata*, as fast as an additional ten miles is completed, until the line shall be completed from Bangor to the boundary line of New Brunswick; and as soon as said railway company shall locate a line from some point in embranchment thereof in a northerly direction toward the Aroostook River, and complete ten miles from said main line by the running of cars thereon, the Governor shall pay to said company at the rate of ten thousand dollars per mile, or *pro rata*, for each mile of railway so built and completed from their main line in a northerly direction, from the proceeds of the lands and claims hereinbefore set forth; and so on from time to time as an additional ten miles shall be completed by the running of cars, until the entire line of said railway shall be completed to the northern boundary of the State, with a branch line to the St. John River at Woodstock.

§ 3. In case the Commonwealth of Massachusetts shall assign and transfer to the European and North American Railway Company, or to the State of Maine in trust for said company, the claims jointly held by her with Maine against the General Government, to aid the construction of said railroad, and also release and discharge or assign and transfer the balance due from the State of Maine for the purchase of her interests in the public lands lying in Maine, under date October fifth, eighteen hundred and fifty-three, it shall be lawful for the Governor, State Treasurer and Land Agent, to transfer to said company all the public lands lying on waters of the Penobscot and St. John River, for the uses and purposes set forth in this act. *Provided, however,* that there shall be excepted from said conveyance, and from the operations of this act, all timber and lumber and lands granted or voted by the present or any preceding Legislature, reserving to the State the right to locate such grants within the present year of our Lord eighteen hundred and sixty-four, or within the time or times limited therefor in the several acts or resolves granting the same, all lands heretofore reserved or set apart for public schools, and all lands set apart and designated for settlement under existing laws; and all the lands set apart for the purposes of settlement shall be sold to settlers, upon the same terms and conditions, by the Land Agent, as is now authorized by law. And it is further provided, that all lands conveyed to said company under this act, which are in the opinion of the Governor, State Treasurer and Land Agent, suitable for settlement, shall be surveyed into lots by said company, of suitable sizes, for the purposes of settlement, not exceeding one hundred and sixty acres to any one lot, which lands shall be open to settlers, at a price not exceeding one dollar per acre, on condition of a continued residence thereon for five years, and performance of such settling duties as are now required by the State. And said company is charged with the duty of encouraging immigration into the State, and shall be required to appoint a suitable emigrant agent, and annually publish such plans, statements and other information, as shall give to the public a better knowledge of the extent, value and situation of the public lands of Maine, now open for settlement, and cause this information to be printed in our own and other languages, and distributed into other States of this Union, and into foreign lands. And the Legislature of this State shall have the right at all times to inquire into the manner in which trusts are executed, and to pass any laws that may be necessary, and to impose fines and penalties to secure a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined. *Providing and excepting,* that no lands belonging to the State of Maine, lying within the County of Piscataquis, shall be taken by virtue of this act for the purpose of aiding in the construction of the trunk line of the European and North American Railway; but that all of said lands lying in said County of Piscataquis shall be and are hereby appropriated under the limitations and restrictions relating to other lands herein granted, and shall be applied in aid of the construction of a branch of said railway extending to the slate quarries in the valley of the Pleasant River at Brownville, and to the Katahdin Iron

Works, from any point on the line of said railway between Oldtown and Lincoln, as provided in section two of "an act authorizing the further extension of the European and North American Railway," passed at the present Session of the Legislature.

§ 4. All benefits of this act shall be forfeited by said European and North American Railway Company, upon the appropriation and use of the proceeds of timber or lands hereby granted to any other purpose than the construction of the main line of said railway or branches into Aroostook and Piscataquis Counties.

§ 5. This act shall take effect on its approval by the Governor.

Approved March 24, 1864.

AN ACT explanatory of, and amending an Act additional to and amending an act to provide means for the defence of the Northeastern Frontier.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Sec. 1. Section third of said act is hereby amended in the ninth line after the word "discharge," by striking out the words "or assign and transfer."

§ 2. Section one of said act shall be further construed and amended so to apply to moneys, securities or lands hereafter received on account of the claims of Maine on the United States Government, and not to such as have been heretofore received.

§ 3. This act shall take effect on its approval by the Governor.

Approved March 25, 1864.

(No. 8.)

AN ACT to authorize the City of Bangor to aid the construction of the European and North American Railway.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Sec. 1. The City of Bangor is hereby authorized to loan its credit to the European and North American Railway Company in aid of the construction of their railroad, not exceeding, however, five hundred thousand dollars, upon their compliance with the following terms and conditions:

§ 2. If this act shall be accepted as is hereinafter provided, and said company shall, within three years from its approval, finish and complete their line of railway from Bangor to Lincoln by the running of cars thereon, then such fact shall be certified by the Mayor and Aldermen of the City to the City Treasurer, and he shall forthwith issue to the Directors of said company, for the purpose of building, furnishing and completing said road, the scrip of said city payable to the holder thereof, in sums of one thousand dollars each, with coupons for interest attached, payable semi-annually, the principal payable in thirty years from the date thereof, and all payable in Boston or New York, the same to be signed by the City Treasurer and countersigned by the Mayor of said city.

§ 3. Concurrent with the issue and delivery of said city scrip as aforesaid, the President and Directors of said company, in their official capacity, shall execute and deliver to the said Treasurer the bond of said company, the penal sum in said bond to be double the amount of the scrip authorized to be issued at that time; said bond shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued at the time of the date of the bond respectively, and also the principal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the said city on account of the issue of the same; the said President and Directors of said company shall also, in

case of the issuing of the scrip of said city as provided in section two of this act, and simultaneously therewith, make, execute and deliver to the said City Treasurer the scrip of said company, payable to the holder thereof, at the same time and for the same amount as the scrip then issued by said Treasurer to said company, with like coupons for the interest attached; which said scrip shall be held by said city as collateral security for the fulfillment of the conditions of the said bond; and in default of any one of said conditions, said city may, from time to time, sell said city scrip, or any portion thereof, by public auction or auctions, in the Cities of Bangor, Boston or New York, or either of them, after sixty days' notice in writing to the President, or one of the Directors, or any three of the Stockholders of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be indorsed on said bond.

§ 4. The President and Directors of said company are hereby authorized, and it shall be their duty, in their official capacity, upon the receipt of said city scrip, and upon the delivery of their bond to said city to secure the payment of the same, to execute and deliver to said City Treasurer a mortgage, without prior incumbrance, of their railroad from Bangor to Lincoln, and all of the property real and personal of said company, including the franchise thereof; said mortgage shall be executed according to the laws of this State, and shall be in due and legal form, and shall contain apt and sufficient terms to secure the said city the fulfillment of the conditions in said bond contained.

§ 5. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the said Mayor and Aldermen to give notice according to the mode prescribed in the Revised Statutes for the foreclosure of mortgages, by publication of notice thereof, which may be published in a newspaper printed in Bangor, and a record thereof may be made within thirty days after the date of the last publication in the Registry of Deeds for the County of Penobscot, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after such publication, if the condition shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title to said road, and to all the property and franchise aforesaid, absolute in said city.

§ 6. If the Directors of said company shall, at any time, neglect or omit to pay the interest, which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bonds, the City of Bangor may take actual possession in the manner hereinafter provided of the whole of said railroad, and of all the property real and personal of the company, and of the franchise thereof, and may hold the same and apply the income thereof to make up and supply such deficiency, and all further deficiencies that may occur while the same are so held, until such deficiencies shall be fully made up and discharged. A written notice signed by the Mayor and Aldermen, and served upon the President or Treasurer, or any Director of the company, or if there are none such, upon any Stockholder of the company, stating that the city thereby takes actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for the purposes aforesaid to the city, and shall enable the city to hold the same against any other claims thereon until such purposes have been fully accomplished.

§ 7. All moneys received by or for the said railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to, and be held for the use and benefit of the city in manner and for the purposes herein provided, and shall, after notice given to persons receiving the same respectively, be by them paid to the City Treasurer, which payment shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice, shall make payment of moneys so received to the Treasurer of the company, such payment shall be a discharge of all claims of the city therefor; all moneys received by the Treasurer of the company after such notice, or in his hands at the time

such notice may be given, shall be by him paid to the City Treasurer, after deducting the amount expended, or actually due for the running expenses of the road, for the services of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the City Treasurer shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or apply any moneys received, as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received in the name of the City Treasurer, whose duty it shall be to sue for the same, to be by him held and applied as herein required.

§ 8. For the purpose of effecting the objects prescribed in the two preceding sections, the Mayor and Aldermen may cause a suit in equity to be instituted in the name of the City of Bangor, in the Supreme Judicial Court, in the County of Penobscot, against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction, account, or other relief under the provisions of this act; and any Judge of the Court may issue a writ of injunction or any other suitable process, on any such bill, in vacation or in term time, with or without notice, and the Court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings, and make such orders and decrees, as may be within the power, and according to the course of proceedings of Courts of Equity, as the necessities of the case may require.

§ 9. If the said railroad company shall, after notice of possession, as aforesaid, neglect to choose Directors thereof, or any other necessary officers, or none shall be found, the Mayor and Aldermen of the city shall appoint a Board of Directors, consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

§ 10. The city shall appoint one of the Directors of the said railroad company from among the Stockholders, who shall be chosen annually by the City Council in joint ballot, before the annual meeting of said company for the choice of their officers, who shall have the same authority in transacting the business of said company and who shall be entitled to like compensation from the company as any other Director. But the right to choose such Director shall cease when the loan contemplated is extinguished.

§ 11. As an additional or cumulative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act, shall at the time, and by force thereof, and for the security and payment of the same, create in favor of said city a lien on the whole of said railroad, its franchise, and all its appendages, and all real and personal property of said railroad corporation, which lien shall have preference and be prior to all other liens and incumbrances whatever on the said road from Bangor to Lincoln, and all the other property of said railroad corporation; and said lien shall be enforced, and all the rights and interests of said city shall be protected when necessary by suitable and proper judgments, injunction or decrees of said Supreme Judicial Court, on a bill or bills in equity, which power is hereby specially conferred on said Court. And it is hereby provided, that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city of any mortgage or other securities contemplated by the provisions of this act, or otherwise.

§ 12. This act shall not take effect until it shall have been duly accepted by the said City of Bangor by a vote of the legal voters thereof voting in ward meetings duly and legally called, within eleven months from and after its approval, and by a majority at least of three fourths of the legal voters of said city present and voting at said meetings as aforesaid; nor shall said act take effect until the same shall be duly accepted by the City Council of said city by concurrent vote of the two Boards of said Council, and by a majority of five-sevenths of the Aldermen present and voting, and a majority of three-

fourths of the Common Council at a meeting duly called for the purpose, at least thirty days subsequent to its acceptance by vote of the city as hereinbefore provided. The return of such ward meetings shall be made to the Aldermen of said city, and by them counted and declared, and said City Clerk shall make a record thereof, and if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of this act shall take effect and be in full force thereafter.

§ 13. The provisions of this act shall be in force from and after its approval by the Governor.

Approved March 25, 1864.

(No. 9.)

STATE OF MAINE.

At a legal meeting of the inhabitants of the City of Bangor, in the County of Penobscot, qualified by the Constitution to vote for State and County Officers, holden in the several wards in said city, on the second Monday of September, being the twelfth day of said month, in the year of our Lord 1864, the said inhabitants in the several wards gave in their votes upon the question, "Will the inhabitants of the City of Bangor accept the act of the Legislature, approved March 25, 1864, entitled 'An Act to authorize the City of Bangor to aid the construction of the European and North American Railway?'" And the same were received, sorted, counted and declared in open ward meetings by the wardens who presided, and in presence of the ward clerks, who formed lists and made records thereof in presence of the wardens, and in open ward meetings sealed up the copies of said records, as appears by copies of said lists duly attested by the several wardens and ward clerks, returned to the city clerk of said city on said day of election; and the aldermen of said city, who were in session on said day of election, did open, examine and compare, in presence of the city clerk, the copies from the lists of votes given in the several wards upon said question, of which the following is a true record, made by said city clerk: The whole number of ballots given in was *eighteen hundred and nineteen*. The number of ballots having the word "*YES*" thereon was *seventeen hundred and thirty*. The number of ballots having the word "*NO*" thereon was one hundred and twelve.

GEO. W. SNOW, *City Clerk*.

A true copy of said record.

Attest, GEO. W. SNOW, *City Clerk*.

(No. 10.)

RESOLVES inviting the Commonwealth of Massachusetts to co-operate with Maine in extending aid to a military road from Bangor to the St. John River.

Whereas, By the act of separation of Maine from Massachusetts, approved June nineteenth, in the year of our Lord eighteen hundred and nineteen, the Commonwealth of Massachusetts retained one-half of all the public lands lying within the then District of Maine, which had merely a nominal value at the time Maine became an independent State, which lands from the care, oversight and guardianship of the same by the State of Maine, became of great value, from the proceeds of the sales of which to individual purchasers large sums of money accrued to the treasury of Massachusetts, before the sale of her interests therein to the State of Maine; and,

Whereas, The State of Maine did, on the 5th day of October, in the year of our Lord eighteen hundred and fifty-three, purchase all the remaining rights of the State of Massachusetts in and to the lands to her belonging, lying in the

State of Maine, for the sum of one hundred and twelve thousand five hundred dollars in money, and two hundred and fifty thousand dollars in five per cent. bonds of the State of Maine; and,

Whereas, The people of the Commonwealth of Massachusetts, especially those of the eastern part of said State, and of the City of Boston, have a great, if not an equal interest with the people of Maine in the settlement of the northern, eastern and northeastern sections of Maine, and in the growth and prosperity of this State, and will be directly benefited by the extension of railways to the northeastern frontier and to the lower British Provinces; and,

Whereas, The people of the State of Maine are desirous of securing a military railroad from the City of Bangor to the northeastern boundary, and of obtaining aid from Congress towards the accomplishment of said undertaking, and the State of Maine proposes to grant all the aid in its power to the parties who shall carry out said work, and assign to the European and North American Railway Company all its claims on the United States Government which accrued prior to the year of our Lord eighteen hundred and sixty; and,

Whereas, These claims are of little or no value in the present aspect of public affairs, but may be made useful as an inducement to aid a work of military necessity; and,

Whereas, The military necessities of the country now call for a railroad from Bangor to the St. John River, and the General Government, through the officer in charge of the military department of the East, has expressed an earnest opinion in favor of this measure; therefore,

Resolved, That the Commonwealth of Massachusetts be respectfully invited to co-operate with Maine in its efforts to construct said railroad, and for this purpose to assign and transfer the claims jointly held by her with Maine on the Government of the United States, to aid the construction of the European and North American Railway from the City of Bangor to the St. John River and to the boundary of New Brunswick; and also the unpaid balance of the bonds or certificates of indebtedness given by the State of Maine, as the consideration of the purchase of said lands, dated October fifth, eighteen hundred and fifty-three, now amounting to two hundred and twenty-five thousand dollars and interest.

Resolved, That the Governor be authorized and requested to appoint three commissioners for this State to present this application to the authorities of Massachusetts.

Resolved, That a copy of the foregoing preamble and resolutions be transmitted by his Excellency the Governor of Maine, to the Governor of the Commonwealth of Massachusetts.

Approved March 25, 1864.

(No. 11).

RESOLVES asking the United States Government to provide proper defenses for the Northeastern Frontier of Maine.

Whereas, It is made the duty of the Federal Government, under the Constitution of the United States, to protect and preserve the integrity of the Union and defend each State in the maintenance of its sovereignty over its lawful territory; and,

Whereas, The original boundary of Maine extended northward to the dividing ridge that separates the St. Lawrence waters from those of the St. John River, the title to which was clear and unquestionable; and,

Whereas, The United States Government neglected and refused to maintain and enforce the rights of this State to the upper basin of the St. John River, permitting British troops to march across said territory in the war of eighteen hundred and twelve, and at the time of the Canadian rebellion in eighteen hundred and thirty-seven, and afterwards to hold military possession of the country; and,

Whereas, The State of Maine in eighteen hundred and thirty-eight and eighteen hundred thirty-nine attempted to repossess herself of her lawful

territory, and to protect her soil from spoliation by provincial trespassers; and.

Whereas, The United States Government interposed its paramount authority, calling on Maine to withdraw all armed forces detailed for the protection of its territory, and assumed the duty and insisted on its right to exclusive control over all matters of needful defence of the same; and,

Whereas, This duty of defending the territory of Maine was so imperfectly performed by the United States Government, that the territory was stripped of its most valuable timber before Maine could get possession of what remained to her after the ratification of the treaty of Washington, whereby a just and valid claim now exists against the General Government, which has been practically recognized by the Federal authorities at Washington; and,

Whereas, The State of Maine is anxious to have a military railroad from Bangor to the St. John River, and has, by resolutions adopted by the Legislature of Maine, approved January thirty-one, eighteen hundred and sixty-three, called upon the General Government to carry out such a work, and this State is now ready to co-operate with the General Government in affording aid to the parties who will undertake to build such a line of railway, and offers to assign its claims on the General Government to aid said enterprise, and to render other and further aid thereto: therefore,

Resolved, That Maine reiterates and renews her demands on the General Government in the language of the resolves of the Legislature, approved by the Governor, January thirty-first, eighteen hundred and sixty-three, that Maine expects and earnestly demands "that measures be taken at once by the General Government" for the protection of its northeast frontier; that "this can be accomplished only by a military railroad from Bangor to the St. John River."

Resolved, That the people of Maine, zealously attached to the principles of the Constitution and loyal to the Government of the United States, surrounded on three sides by the territory of a foreign power, its other side fronting the ocean, where it is at all times exposed to attack by a superior naval power, by force of its position of incalculable importance to, and steadily coveted by, the people of the British North American Provinces, cannot fail to perceive their danger in case of war with any one of the great powers of Europe, and they appeal to Congress for such aid and support as will enable them to protect their territory from foreign invasion, and secure them against further diminution of their ancient domain.

Resolved, That the Government of the United States having forced a reluctant assent from the State of Maine to the treaty of Washington, by which treaty the most valuable portion of the territory of the United States for a military purposes was surrendered to Great Britain, securing to her a military route in the St. John valley between Canada and New Brunswick, and the only adequate measure of compensation that can be awarded to Maine is the construction, by the Federal Government or through its aid, of a military railway from Bangor to the St. John River, as suggested in the resolutions of Maine, of January thirty-first, eighteen hundred and sixty-three; that in order to secure this result the State releases and assigns to the European and North American Railway Company of Maine all claims on the Federal Government accruing prior to the year eighteen hundred and sixty, in case the United States Government affords such aid to said railway company as will enable it to carry out its line of railway from the City of Bangor to the St. John River, or to such point in the northern part of Maine as may accomplish the objects and purposes sought for by the Government of this State and of the United States.

Resolved, That the Governor is authorized to prepare, or cause to be prepared and printed, such documents and evidence as may be needful to show the character, extent and value of the claims before mentioned.

Resolved, That the Governor be requested to transmit these resolutions to the President of the United States, and to each House of Congress, and to the members of the Senate and House, from Maine.

Resolved, That our Senators and Representatives in Congress be requested and instructed to use their utmost efforts to secure a recognition of the claims

of Maine, and the application of the proceeds thereof to the uses and purposes above set forth.

Approved March 25, 1864.

(No. 12.)

38TH CONGRESS,
1st Session.

H. R. 541.

[Report No. 119.]

IN THE HOUSE OF REPRESENTATIVES.

JUNE 20, 1864.

Read twice, ordered to be printed, and recommitted to the Select Committee on Defences of Northeastern Frontier.

Mr. J. H. RICE, from the Select Committee on Defences of Northeastern Frontier, reported the following bill:

A BILL to Provide for the Defence of the Northeastern Frontier.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That whereas the State of Maine has appropriated for the use of the European and North American Railway Company of Maine, for the construction of a railway essential to the defence of the northeastern frontier of the United States, the proceeds of all her claims against the United States arising prior to the year eighteen hundred and sixty, the Secretary of the Treasury is authorized and required to audit and fix the amounts of the said claim, as follows, viz: one dollar and twenty-five cents per acre shall be allowed to Maine for the land assigned to settlers under the fourth article of the treaty of Washington, concluded on the ninth of August, eighteen hundred and forty-two. The interest account of Maine, under the act approved March third, eighteen hundred and fifty-one, entitled "An act authorizing of the payment of interest upon the advances made by the State of Maine for the use of the United States Government in the protection of the northeastern frontier," shall be restated upon the principles directed to be applied to the case of Maryland by the twelfth section of an act approved on the third of March, eighteen hundred and fifty-seven, entitled "An act to provide for certain civil expenses of the government for the year ending on the thirtieth of June, eighteen hundred and fifty-eight. The interest account of Maine, as the owner of one-third of the claim of Massachusetts, for advances for the United States during the war of eighteen hundred and twelve and eighteen hundred and fifteen, with Great Britain, shall be stated and allowed according to the principles applied as aforesaid to the case of Maryland. The damages to Maine by reason of the loss of timber upon the disputed territory in consequence of the suspension of her jurisdiction from eighteen hundred and thirty-two to eighteen hundred and thirty-nine, under a diplomatic arrangement made by the United States in eighteen hundred and thirty-two, shall be ascertained and awarded.

SEC. 2. *And be it further enacted,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the treasury not otherwise appropriated, to the State of Maine, for the use of the European and North American Railway Company, all sums ascertained to be due to said State, as directed to be audited and fixed by the first section of this act: *Provided,* That no more shall be paid than shall be equal to ten thousand dollars per mile for the main line and branches of the said railroad actually constructed by said company, not to exceed in length two hundred and thirty miles, and to be paid over from time to time as the construction of said road shall be certified to the Secretary of the Treasury by the Governor of Maine, and not less than thirty miles thereof in actual operation, and so on as each additional section of thirty miles shall be put in operation: *And provided further,* That no payment shall be made until the said railway company shall enter into contract, in such form as shall be

prescribed by the Secretary of the Treasury, for the transportation by said company over their main line and branches of the troops and munitions of war of the United States free of expense to the government, and for the carrying of the mails of the United States at reasonable rates, corresponding with those paid for similar services over other roads of equal cost, and to be fixed by the President of the United States.

(No. 13.)

To his Excellency SAMUEL CONY, Governor of Maine:

SIR—The European and North American Railway Company, a Corporation established by the laws of the State of Maine, respectfully represents, that by an Act of the Congress of the United States, entitled "An Act making appropriations for the construction, preservation and repairs of certain fortifications and other works of defence for the year ending the thirtieth of June, 1865, and for other purposes," approved July 2, 1864, there was appropriated, "for surveys for military defences and for purchase of campaign maps, manuscript notes, and maps of surveys of railroads and canals, one hundred and fifty thousand dollars."

And said Company further represents, that the Legislature of Maine, by several acts and resolves, passed in the years 1863 and 1864, authorized the construction of a line of railway from the City of Bangor to the St. John River, and, by resolutions, invited the United States Government to provide means for the protection of its northeastern frontier, by the building of a military railroad from Bangor to the St. John River; and by an act approved March 24, 1864, entitled "An Act to provide means for the defence of the 'northeastern frontier,' appropriated the proceeds of the sale of timber on certain townships of the public lands, and certain claims against the United States Government, to aid the construction of said European and North American Railway, which is the line contemplated in and by the resolves calling for a military railroad from Bangor to the St. John River. The Legislature of Maine having, in the manner above set forth, declared said railway a work of military necessity, and appropriated largely of its means to secure its construction, and a Committee of Congress having reported a bill to grant aid to said railway as a work of military necessity, it is due to the United States Government that the location of said line should be made so as to secure the ends in view, and in accordance with the wishes of the War Office.

I therefore respectfully request you to make application to the Secretary of War, to appoint an engineer officer to make the proper surveys, and to approve of the location of said railway, or to make or approve such a location thereof as will best secure the objects and purposes of a military railroad from Bangor to the St. John River.

By order of the Directors.

(Signed,)

JOHN A. POOR,

President of the European and North American Railway Co.
PORTLAND, Sept. 19, 1864.

STATE OF MAINE, EXECUTIVE DEPARTMENT.

AUGUSTA, Sept. 28, 1864.

SIR—I have the honor to lay before you a copy of the application of the European and North American Railway Company of Maine, asking the Executive of this State to request of you the appointment of an engineer to approve of the location of its line, as made by that Company, for a railway from Bangor to the St. John River, which railroad is the one sought for by the Legislature of Maine, and recommended by it to Congress as the proper measure or defence for the northeastern frontier.

Fully approving of this application, I respectfully advise and request that the same may be granted.

With the highest respect,

Your obt servant,

(Signed,)

SAMUEL CONY,

Governor of Maine.

To HON. E. M. STANTON, Secretary of War,
Washington, D. C.

PORTLAND, Oct. 1, 1864.

SIR—I am instructed by the Board of Directors of the European and North American Railway Company of Maine, to lay before you the application of the Governor of Maine for the appointment of an engineer to report on the location of the line of said Company from Bangor to the St. John River.

I most earnestly but respectfully invite your attention thereto.

With distinguished consideration, I have the honor to be,

Your obt servant,

JOHN A. POOR,

President of the European and North American Railway Co.

To HON. E. M. STANTON,
Secretary of War.

PORTLAND, Oct. 1, 1864.

SIR—I have the honor to transmit to your charge the application of the Governor of Maine to the Secretary of War, for the appointment of an engineer to report on the location of the line of the European and North American Railway from Bangor to the St. John River.

From the interest expressed by you in favor of this object, and the importance of it to the State of Maine, I respectfully ask you to present the same to the attention of the proper parties, and thereby secure the accomplishment of the purpose sought for.

With distinguished consideration, I have the honor to be,

Your obt servant,

JOHN A. POOR.

To HON. W. P. FESSENDEN,
Secretary of the Treasury.

WASHINGTON, Oct. 3, 1864.

SIR—Yours of the 1st inst. has been received, with the package addressed to Mr. Stanton, Secretary of War.

I have placed it in Mr. Stanton's hand, and urged upon him a compliance with the Governor's request.

His reply was, that it required consideration, which it should receive at an early day.

Yours very respectfully,

W. P. FESSENDEN.

JOHN A. POOR, Esq.

(No. 14.)

ACT of the General Assembly of Her Majesty's Province of New Brunswick, passed in the month of April, 1864.

AN ACT in aid of the construction of Railways. Passed 11th April, 1864.

Whereas, It is deemed advisable to aid the construction of Railways in this Province;

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:

1. That Provincial aid, in the manner hereinafter provided, shall be given towards the construction and completion of the following lines of railway, that is to say :

A main line from the City of St. John to the State of Maine, running as near as may be by the Douglas Valley ; and a line from some point on the European and North American Railway towards the boundary of Nova Scotia ; also, an extension of the European and North American Railway to Miramichi ; also, a branch to connect the main line with the City of Fredericton ; another branch from the town of Woodstock to connect with the present St. Andrew's Line ; another branch from the town of St. Stephen to connect with the St. Andrew's Line ; and another branch to connect the European and North American Railway with Hillsborough, in the County of Albert, at such point therein as may be deemed most desirable.

2. The several lines of railway and branches and extensions to be constructed under the provisions of this act, shall be made on such grades and with such gauges and curvatures, and of such class and character, respectively, as the Governor in Council shall determine ; and the routes and locations of the said lines and the said several branches and extensions, shall also, in all cases, be subject to the approval of the Governor in Council.

3. The aid to be granted to the said lines of railway and the said branches and extensions in the first section of this act specified, shall be at the rate of \$10,000 per mile, to be paid as hereinafter provided.

4. If any company or body corporate now or hereafter to be organized, possessing sufficient capital, shall offer to construct the first before mentioned lines of railways, and the said branches and extensions, or any of them, and shall give such assurance or guarantee of their ability as the Governor in Council may deem necessary, the Governor in Council is hereby empowered and authorized to consent and agree to the building of the said lines and the said branches and extensions, or any of them, by such company or body corporate, such agreement to be in the name of the Queen, and subject to such securities, clauses and conditions for protecting the public interest and for securing the due completion of such line or lines of railways as the Governor in Council may deem necessary ; and so soon as it shall be satisfactorily proved to the Governor in Council that any such company or body corporate shall have *bona fide* expended the sum of \$100,000 in actual work on the road undertaken to be built by them, it shall be lawful for the Governor in Council to pay to such company or body corporate the sum of \$25,000, being a portion of the said aid ; and so in like manner from time to time *pro rata*, until the whole of the said road undertaken by the said company or body corporate shall be fully completed and in efficient operation, with all necessary station-houses, and with substantial and sufficient locomotives and other rolling stock for the accommodation of passengers and transportation of merchandise, when the balance of the said aid of \$10,000 per mile, and no more, shall be paid to such company or body corporate.

5. No agreement shall be entered into for the completion of a line to connect with the Province of Nova Scotia, until satisfactory arrangements are made with the Government of that Province for the completion of the connection with the Nova Scotia Railways.

6. In case the Act of Assembly made and passed in the twenty-sixth year of Her Majesty's Reign, intituled *An Act to authorize a loan, and for the construction and management of an Inter-Colonial Railway*, should become inoperative, then, if any company or body corporate now or hereafter to be organized, possessing sufficient capital, shall offer to construct a line of Inter-Colonial Railway to connect this Province with Canada, and shall give such guarantee or assurance of their ability as the Governor in Council may deem necessary, the Governor in Council is hereby authorized and empowered to enter into an agreement with such company or body corporate for the construction of such line, upon the following terms, viz. : That upon the completion of such line of railway, in efficient operation for the accommodation of passengers and transportation of merchandise, the Governor in Council shall each and every year thereafter in which the said line of railway shall be efficiently worked, pay to the said company or body corporate a sum which, together with the net earnings of the said railway, shall be equal to the interest of six per cent. upon the actual cost

of said line so agreed to be built—such sum not to exceed in any one year the sum of twenty thousand pounds currency.

7. The Governor in Council is hereby authorized to issue from time to time, for the purposes of this act, debentures, payable either in New Brunswick currency or sterling money, to be numbered consecutively, with coupons annexed, bearing interest at six per cent. per annum, payable semi-annually, in such form, verified and authenticated in such manner, in such amounts not less than one hundred pounds each, and on such conditions as the Governor in Council may prescribe. The principal of such debentures to be paid in full after the expiration of thirty years, to the holders thereof; the debentures in sterling money to be payable in London, and the debentures in New Brunswick currency to be payable at the Treasury in New Brunswick.

8. The Governor in Council is hereby authorized from time to time to appoint, during pleasure, a fit and proper person as Engineer on behalf of this Province, whose duty it shall be to watch over the interests of this Province in the construction of the several lines of railway hereinbefore specified, and the said branches and extensions.

9. When any of the lines of railway in this act mentioned, or the said branches or extensions, shall pass through Crown Lands, the Governor in Council shall grant, for the purposes of such roads, necessary Crown Lands for tracks, sidings and stations.

10. That for the purpose of securing the due and efficient completion of all or any of the said lines of railway, or branches and extensions, in the first section of this act mentioned, any moneys advanced or paid to any company or body corporate under the provisions of this act, shall attach and stand, and are hereby declared to be a primary mortgage or first charge in favor of the Queen, for the benefit of this Province, upon such line or lines of railway, and the branches and extensions undertaken to be built by such company or body corporate, and upon the stations, station-houses, rolling stock, and property of every description, and shall attach immediately upon the advance or payment of any portion of the said aid, upon all property owned by such company or body corporate; and in order to fix and ascertain the amounts from time to time advanced or paid to such company or body corporate, the President and Treasurer of the same shall deliver to the Provincial Treasurer a certificate under their hands, stating the amount so received; which certificate shall be sufficient evidence of such primary mortgage or first charge under this act; provided, always, that on the completion of the road according to the terms of the agreement, such mortgage or first charge shall cease and determine.

11. Every such company or body corporate as aforesaid shall be bound to provide such conveyance for the officers and soldiers of Her Majesty's forces, ordnance corps, marines, militia, or police forces, at such time or times, (whether the same shall be the usual hours of starting trains or not,) as shall be required or appointed by any officer duly authorized by the Governor for that purpose, and with the whole resources of such company or body corporate, at fares not exceeding two cents per mile for each officer, soldier, marine or private, of such forces respectively, and also for each wife, widow, or child, above twelve years of age, of a soldier, entitled by Act of Parliament or other competent authority, to be sent to their destination at the public expense; children under three years of age so entitled to be taken free of charge; and children of three years of age and upwards, but under twelve years, so entitled, being taken at half-price of an adult; provided that every officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra charge; and every soldier, marine, private, wife, or widow shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge; all the excess of the above weights of personal luggage being paid for at the rate of not more than eighty cents per one hundred weight per hundred miles; and all public baggage, stores, arms, ammunitions, and other necessary things, except gunpowder and other combustible matters, shall be conveyed at charges not exceeding four cents per ton per mile, the assistance of the military or others being given in loading and unloading such goods.

(No. 15.)

AN ACT to incorporate the European and North American Railway Company for extension from St. John westward. Passed 13th April, 1864.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :

1. That Lauchlan Donaldson, William Thomson, J. V. Troop, Robert Jardine, C. H. Fairweather, John Boyd, William H. Scovil, E. D. Jewett, F. T. C. Burpee, A. Jardine, William Wright, John Robertson, N. S. Demill, William Parks, Thomas Parks, William O. Smith, Thomas R. Jones, George E. Snider, Francis Ruddock, George Carvill, George S. DeForest, Richard Thompson, T. W. Daniel, Duncan Robertson, John D. Purdy, R. W. Crookshank, George Thomas, Zebedee Ring, Jeremiah Harrison, Stephen S. Hall, Wallace W. Turnbull, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of "The European and North American Railway Company for extension from St. John westward;" and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, and may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies by law and equity, to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereafter enjoined, and to prevent all invasion thereof in exercising and performing the same; and the Corporation, so soon as the sum of fifty thousand dollars of the capital stock shall be actually paid in to the Treasurer of the Company, are hereby authorized and empowered to locate and construct, and finally complete, alter and keep in repair, a railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from the City of St. John, in the County of St. John, in this Province, westward, to the boundary of the United States, by such route as by survey or otherwise may hereafter be found most expedient, whenever the said Corporation may deem it expedient so to do, and to make such branches thereof as they shall deem proper; and the said Company shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this Act; and for this purpose said Corporation shall have the right to purchase or take and hold so much of the land and other real estate of private persons or Corporations as may be necessary for the location, construction and convenient operation of said railroad, and branches thereof, and stations connected therewith; and they shall also have the right to take, remove, and use, for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber, or other material, on or from the land so taken; provided, however, that said land so taken for the route of said railway shall not exceed six rods in width, except when greater width is necessary for excavation and embankment; and provided also, that in all cases said Corporation shall pay for said lands, estate and materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, the said Corporation shall pay such damages as shall be ascertained and determined in the same manner and under the same conditions and limitations as are provided by the second section of an Act made and passed in the thirteenth year of the reign of Her present Majesty, intituled *An Act relating to the St. Andrew's and Quebec Railroad*, as also for the recovery of the same; and the land so taken by said Corporation shall be held as lands taken and appropriated for highways; and all applications for damages shall be made within three years from the time of taking such land or other property, and not after.

2. The capital stock of the said Corporation shall consist of two millions of dollars, to be divided into forty thousand shares of fifty dollars each, with power to increase to two millions five hundred thousand dollars, with additional shares of fifty dollars each; and the immediate government and direction of the affairs of the said Corporation shall be vested in five Directors, who shall be chosen by the members of the said Corporation in the manner hereinafter provided, and

shall hold their offices until others are chosen in their stead, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be President of the Board, who shall also be President of the Corporation; and the said Directors shall have authority to choose a Secretary, who shall be sworn to the faithful discharge of his duty, and a Treasurer, who shall be sworn and also give bonds to the Corporation, with sureties to the satisfaction of the Directors, for the faithful discharge of his trust.

3. Any three of the persons named in the first section of this Act are hereby authorized to call the first meeting of the said Corporation, by giving notice in one or more newspapers published in the City of St. John, of the time and place and purpose of such meeting, at least fourteen days before the time mentioned in such notice.

4. The said Corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent with the laws in force in this Province, for their own government, and the due and orderly conducting of affairs, and the management of their property.

5. The President, Directors and Company for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the Corporation for the purpose of locating and completing said Railroad and branches, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the Corporation as may be necessary and proper to carry into effect the objects of this Act; to purchase or hold within or without the Province, lands, materials, engines, cars, and other necessary things, in the name of the Corporation, for the use of said Road, and for the transportation of persons, goods and property of all descriptions; and to make such connection with other Railroad Companies within or without the Province, either by leasing their road to other corporation or corporations on such terms and for such length of time as may be agreed upon, or by consolidating the stock of their road with that of other railroad companies or company upon such terms as may be agreed upon; to make, execute and deliver good and sufficient mortgage deed or deeds of their road and all its branches, to such private persons or corporations within or without this Province as they may think the interest of the Stockholders in their company requires; and to make such equal assessments from time to time on all the shares in said corporation, as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid to the Treasurer of the Corporation, and the Treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given, as shall be prescribed by the by-laws of said corporation, the Directors may order the Treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber or stockholder shall be held accountable to the Corporation for the balance, if his share or shares shall sell for less than the assessment due thereon, with interest and cost of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessment due, with interest and cost of sale; provided that no shareholder in said Company shall be in any manner whatever liable for any debt or demand due by said Company, beyond the amount of his or their shares in the capital stock of said Company, not paid up; and no assessment shall be laid upon any shares in said Company for a greater amount than fifty dollars per share on the whole.

6. A toll is hereby granted and established for the sole benefit of said Corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon such road, at such rate as may be agreed upon and established from time to time by the Directors of said Corporation.

7. The said Railroad Corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through inclosed or improved land, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fences, said Corporation shall be liable to be indicted in any Court having competent jurisdiction, and to be fined in such sum as shall be adjudged necessary

to repair the same; and such fines shall be collected and paid as other fines are by law collected and paid, and shall be expended for the erection or repair of such fence, under the direction of an agent appointed by the Court imposing such fine; provided, however, said fences may be dispensed with at the receiving and landing places of passengers and freight, and at such other places as fences are not elsewhere usually required.

8. The annual meeting of the said Corporation shall be holden on the second Tuesday in January, or such other day as shall be determined by the by-laws, at such time and place as the Directors for the time being shall appoint, at which meeting the Directors shall be chosen by ballot, each proprietor, by himself or by proxy, being entitled to as many votes as he holds shares; and the Directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the Corporation by their by-laws shall direct.

9. The said shares of said Corporation shall be deemed personal estate, and transferable as such and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company, after the making, completing and maintaining the said railway, and other incidental expenses; but no shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or her.

10. The Directors of the Company may from time to time by deed, subject and charge, in such manner as they think fit, the said railroad, and the future lands, goods and other property and effects, tolls, income and profits whatsoever of the said Company, or such parts thereof as the Directors may think fit; and may also in like manner grant and assure the whole or any part of any guarantee of interest, grant of money or lands, or other benefit, profit or advantage already or to be here; after granted, conceded or allowed to railroad companies in this Province by any Act of Assembly; and every deed executed by the Directors of the Company shall be under the common seal of the Company, which the Directors are hereby authorized to affix to every such deed, and under the respective hands and seals of any three or more of the Directors of the said Company; and every deed so executed shall have as full effect and be as binding and conclusive on the Company, and the Directors of the Company, as if the terms and provisions of such deed were by this Act of Assembly expressly enacted and made binding and conclusive accordingly.

11. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

12. The said Company, by their agents, servants, and workmen, shall and may enter upon any lands of private persons, for the purposes of making a survey of the line or route of the contemplated railroad, and to cut down or remove, where necessary to the making of such survey, any trees or other obstacles on such lands; compensation for such cutting and removing to be made to such owners of private property, by the same proceedings and in the same manner as is prescribed under the first section of this act.

13. The said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall *bona fide* commence to build said railway within two years from the passage of this act; failing which, then this act and every matter and thing therein contained shall cease and be utterly null and void; and if the said railway, having been commenced, shall not be made and completed within the period of five years from the passage of this act, so as to be used for the conveyance and carriage of passengers, goods and chattels thereon, then this act and every matter and thing therein contained shall cease and be utterly null and void.

14. Nothing in this act contained shall authorize the said Company, or their contractors, to enter upon any lands reserved for naval or military purposes, without the consent of Her Majesty; nor shall it be construed to confer upon the said Company any exclusive right or privilege in regard to the construction of any branch line, to which Provincial aid may hereafter be afforded, or shall authorize the said Company in any way to bar or prevent a connection between such branches and the extension contemplated by this act.

(No. 16.)

AUGUSTA, MAINE, Feb. 22d, 1864.

SIR—I have the honor to inform you that our Railway Bill has become a law, authorizing the European and North American Railway Company of Maine to lease or purchase the lines of railway from Portland to Halifax, a copy of which I send herewith.

I am further authorized to say, that having arranged with the lines of railway west of Bangor, and secured the pledge of capital for this purpose, the European and North American Railway Company of Maine is now prepared to enter into contract for constructing the links in the chain that now remain unfinished, from Bangor to Halifax, in case the Provinces of Nova Scotia and New Brunswick shall severally execute to it a lease of their lines as built, and by proper facility bills pledge the sum of £20,000 currency in each Province, or eighty thousand dollars per annum to the new company, till the entire line from Bangor to Halifax shall pay *six per cent.* interest or dividend upon its cost to the new company. After the payment of 6 per cent. on the cost to the company, the net income of the road from Bangor to Halifax, above the payment of said 6 per cent., shall be paid over, one-half to the two Provinces and the other half to this company.

Responsible parties now stand ready to contract for the building of the entire road remaining to complete the chain, (290 miles,) at the rate of \$30,000 per mile through Maine, and at the same ratio, according to the amount of work to be executed, in Nova Scotia and New Brunswick.

By order of the Directors.

JOHN A. POOR,

Pres't E. & N. A. R. W. Co. of Maine.

To the Hon. C. TUPPER, Prov. Sec'y.

PROVINCIAL SECRETARY'S OFFICE,
HALIFAX, March 4th, 1864. }

SIR—I have the honor to acknowledge the receipt of your letter of the 22d ult., containing a proposal on the part of the European and North American Railway Company of Maine for the completion of the line from Portland to Halifax. And I am commanded by his Excellency the Administrator of the Government, to state in reply, that the Government of this Province are not disposed to lease the existing line from Halifax to Truro, but would be prepared to submit to the Legislature a proposal to grant a subvention of eighty thousand dollars per annum to facilitate the construction of the line from Truro to the border of Nova Scotia, provided arrangements were made to connect with the railway in New Brunswick.

I have the honor to be, sir, your obedient servant,

CHARLES TUPPER.

To JOHN A. POOR, Esq.,

Pres't E. & N. A. R. Co., &c.

[By Telegraph.]

AUGUSTA, March 14, 1864.

Hon. C. TUPPER, Prov. Sec'y,
Halifax, N. S.:

Yours of 4th inst. received. How do you propose to unite interests from Halifax to Bangor? Our bills will all go through, giving us the means to build from Halifax to Bangor, if one company or one interest is secured.

Answer by telegraph.

JOHN A. POOR.

[By Telegraph.]

HALIFAX, N. S., March 15, 1864.

To J. A. POOR.—Government here would recommend the Legislature to grant the facilities stated in my letter for extension from Truro, and would make

arrangements for working to mutual advantage, but will not alienate our line from Halifax to Truro.

C. TUPPER.

[By Telegraph.]

To Hon. C. TUPPER, Prov. Sec'y,
Halifax, N. S.:

AUGUSTA, March 24, 1864.

If American Company will build your line from Truro to New Brunswick frontier and through to St. John line, on your offer, what can you pledge as the lowest annual rental of your line from Truro to Halifax for twenty years?

Answer by telegraph.

JOHN A. POOR.

[By Telegraph.]

HALIFAX, March 26, 1864.

To JOHN A. POOR—Cannot agree to alienate our line from Halifax to Truro, but will carry all your traffic at lowest rates on American Railways.

CHAS. TUPPER.

[By Telegraph.]

Hon. C. TUPPER, Prov. Sec'y,
Halifax, N. S.:

BANGOR, March 28, 1864.

Our Legislature has adjourned. Our bills all passed. Please pass laws to enable you to carry out plan proposed with our company.

JOHN A. POOR.

Extracts from the Records of the Nova Scotia House of Assembly, April 11, 1864.

Hon. Provincial Secretary moved a resolution as follows:

“Resolved, That the Executive Government be authorized to secure the construction of the railway from Truro, or from the point of junction with the main line to the border of New Brunswick, through the agency of any responsible company, provided no greater liability is incurred than 4 per cent. per annum upon a capital of £10,000 currency per mile, not to exceed 20 years—and provided connection is thereby secured with the railway from St. John to Shediac. And that the Government be authorized to procure the construction of the line West of Windsor, in the same manner, to the same extent, of 4 per cent. on a capital of £6,000 per mile.”

Whereupon Mr. Miller moved, by way of amendment:

“Whereas, The revenue of this Province is now burdened with a liability of about £60,000 annually, for interest on the money invested in our existing line of railway; and whereas, the act of *this session*, providing for the construction of the line to Pictou, will entail a further charge of at least £25,000 annually—

“Therefore resolved, That it is unwise at the present time to pledge the public credit to the extent required by the resolution before the House.”

Which amendment being put, there appeared—for, 16; against, 29. *For*—Hatfield, Parker, Miller, Locke, Annand, E. Brown, Balcom, Kaulback, Allison, Killam, Robertson, Blanchard, Blackwood, Ross, S. Campbell, Coffin—16. *Against*—Pryor, Donkin, McKay, D. Fraser, Tobin, Attorney-General Johnston, Prov. Secretary Tupper, Financial Secretary Le Vesconte, Sol. General Henry, Shannon, Bill, Lawrence, Moore, Churchill, Longley, Slocumb, King, McDonald, Hill, Smyth, McDonnell, James Fraser, John Campbell, Whitman, Jost, Bourinot, McFarlane, McKinnon, C. Campbell—29.

The foregoing resolution of Dr. Tupper was subsequently put, the amendment being rejected, and passed. Pages 108-109.

The resolution subsequently passed the Legislative Council, and became a law.

(No. 17.)

STATE OF MAINE,
 OFFICE OF THE ATTORNEY GENERAL, }
 BANGOR, *October 24, 1864.*

I have examined the Charter of the European and North American Railway Company, approved August 20th, 1850, and the several acts and resolves since enacted in reference thereto. I have also examined the By-Laws and Records of said Corporation. In my opinion their proceedings are all in due form, and the Stockholders in said Corporation are exempt from all personal liability, beyond the payment of their Stock Subscription.

JOHN A. PETERS,
Att'y Gen'l.

BANGOR, *October 24, 1864.*

The European and North American Railway Company having conveyed to Hannibal Hamlin, Israel Washburn, Jr., and Henry V. Poor, as Trustees, their road-bed, rights and property, for the security of the payment of certain Bonds by them issued, and the said Trustees having accepted said trust, I concur in the opinion of Hon. John A. Peters, Attorney General of Maine, as to the legality of the proceedings of said Company, and the exemption of Stockholders from personal liability.

H. HAMLIN,
One of the Trustees aforesaid.

To Hon. JOHN A. POOR, President of the European and North American Railway Company:

In accordance with your request, I have examined the Prospectus of your Company recently issued, and derive from it the following:

Between Portland, in Maine, and Halifax, in Nova Scotia, there are several lines of railroad built and projected, which it is proposed to unite under the control of one company, under the title of the *European and North American Railway Company*. The lines proposed to be embraced in this union are—

FIRST. The *Maine Central*, extending from Danville on the Grand Trunk Railroad, 28 miles from Portland, through Lewiston, Leeds Station, Waterville and Kendall's Mills, on the Kennebec, to Bangor, the head of navigation on the Penobscot, 57 miles to Kendall's Mills and 53 miles from the Mills to Bangor; in all..... 110 miles.

This line conforms to the Canadian gauge of 5½ feet, and is in operation throughout.

SECOND. The *Portland and Kennebec*, extending from Portland through Brunswick to Augusta, the capital of the State, 62 miles from Portland, with a branch of 9 miles from Brunswick to Bath; in all..... 71 “

This line conforms to the New England gauge of 4 feet 8½ inches, and is in operation throughout.

THIRD. The *Somerset and Kennebec*, extending north from Augusta 21 miles to Kendall's Mills, and 18 miles to Skowhegan; in all 39 “

This line is of the same gauge, and leased to the last named Company for 20 years, at \$36,000 per year.

FOURTH. The *European and North American Railway Company* proper, extending from Bangor to the Eastern Boundary of Maine, with chartered powers adequate to embrace the above-named lines and other lines in New Brunswick and Nova Scotia. This line is not yet built. Its length in Maine, by the surveys, is..... 107 miles.

Total extent of lines in Maine..... 327 “

FIFTH. The *European and North American Railway Company* proper, including the portion of its line in New Brunswick from the Eastern boundary of Maine to the City of St. John.... 83 “

Surveys of this line are now in progress, but no portion of it built.

SIXTH. The *New Brunswick Railway Co.*, in the Province of New Brunswick, extending from the City of St. John to the Halifax Junction, 101 miles; from thence, 31 miles further to the Nova Scotia line, with a branch of 7 miles from Halifax Junction to Shediac, on the Gulf of St. Lawrence, making in all 139 “

This line conforms to the Canadian gauge of $5\frac{1}{2}$ feet, and is in operation with the exception of the portion from the Halifax Junction to the Nova Scotia boundary.

SEVENTH. The *Nova Scotia Railway*, in Nova Scotia, extending from the New Brunswick boundary to Truro, 69 miles, and from Truro to Halifax, 61 miles, with a branch to Windsor, 30 miles; in all..... 160 “

This line also conforms to the Canadian gauge, and is built and in operation excepting the portion from the Nova Scotia boundary to Truro.

Total extent of lines in the Provinces .. 382 “

Add lines in Maine as above. 327 “

Total in Maine and the Provinces 709 “

Of this total of 709 miles there is built and

in operation in the State of Maine 220 miles.

In New Brunswick and Nova Scotia. 199 " 419 miles.

Not built in Maine 107 "

" in the Provinces 183 " 290 "

Total built and to be built, as above 709 "

The portions to be built, comprising a distance of 290 miles, are necessary to form a continuous line of Railway from Portland to Halifax, the length of which will be as follows:

Portland to Kendall's Mills, by either the

first or second lines 85 miles.

Kendall's Mills to Eastern boundary of

Maine 160 "

Total in Maine 245 miles.

Eastern boundary of Maine to St. Johns

City 83 "

St. Johns City to boundary of Nova Scotia. 132 "

Total in New Brunswick 215 "

Boundary of Nova Scotia to Truro 69 "

Truro to Halifax 61 "

Total in Nova Scotia 130 "

Portland to Halifax, *main line* 590 "

Extent (aggregate) collateral lines and branches . . 119 "

Total as above 709 "

The chartered powers of the European and North American Railway Company, as derived from the Legislatures of Maine, New Brunswick, and Nova Scotia, are ample for embracing all of the above described lines, collateral lines and branches, covering 709 miles of railway; but in thus uniting or consolidating these lines, provision must at the same time be made for completing the main line throughout—that is, for building 107 miles in the State of Maine and 183 miles in the Provinces; 290 miles in all. The mode proposed for effecting this

object and of acquiring control of the lines in operation as described above, is as follows, commencing with the road or company first named, the *Maine Central*.

The expenditures of this Company are represented by six per cent. Mortgage

Bonds issued.....	\$2,500,000
Stock, Bonds, and Common Stock.....	1,764,345
	\$4,264,345

The expenditures or cost of the Portland and Kennebec Line are represented by

City Loan.....	\$ 800,000
Yarmouth Loan.....	201,000
2d Mortgage Bonds.....	230,000
3d " " (forced).....	250,000
Stock.....	2,000,000
Somerset and Kennebec Railroad cost....	800,000
	4,281,000

Total original cost of 220 miles in Maine..... \$8,545,345

This property may now be brought into the possession and under the control of the European and North American Railway Company at a cost as follows:

<i>Maine Central</i> , amount of Bonded Debt..	\$2,500,000
" " to purchase Stock.	250,000
	\$2,750,000

Portland and Kennebec Bonded Debt, as above	1,481,000
Unpaid Coupons, extended 20 years,....	100,000
" " for 7 years.....	105,000

1,686,000

Less Sinking Fund actually accrued for reduction of City Loan.....	200,000
	1,486,000

4,236,000

Add bonus to purchasers	500,000
-------------------------------	---------

Total cost of 220 miles to new Company in Maine..\$4,736,000

The net earnings or income of these lines in	
1864 were	450,000
From which deduct interest on cost as	
above, at 6 per cent.....	284,160
Excess of annual income over interest on	
cost of existing lines in Maine	\$165,840

This excess of \$165,840 will be hereafter increased by the increase in population and business of the country through which these lines pass. It will be increased by the saving made in operating by the same Company the two lines, which are now rival and competing lines, and the higher charges for transportation which will follow a removal of the competition, and in the increased business of the lines by the extension East of Bangor.

For these reasons this excess may safely be assumed soon to amount to not less than \$225,000, and will be steadily on the increase from that amount.

The actual expenditure upon, or cost of, 108 miles	
in New Brunswick, now in operation, is found to	
be	\$4,577,874
Do. do. 91 miles in Nova Scotia	4,273,401

Total actual cost of lines in operation in the Provinces \$8,851,275

These two lines, with their furniture and equipments, can be leased for a term of 999 years at the rate of \$100,000 per year, and one-half of the net earnings of the portions now in operation in addition.

That is to say, the perpetual use and control can now be obtained over a property which has cost \$8,851,275 for the amount stated.

Omitting for the present the item of half the net	
earnings, which is conditional upon their being	
realized, and we find that the remaining \$100,000	
per annum is the interest at six per cent. on	\$1,666,667
If to this is added the cost to the Company of the	
control over the lines in Maine, as above	4,736,000

We have to represent the total cost of existing lines to new Company, deducting donations, the sum of. \$6,402,667
This amount of \$6,402,667 includes, in addition to the cost of the roads, rolling stock and equipments, as follows:

	Engines.	Passenger Cars.	Freight Cars.
Maine Central.....	13	20	231
Portland and Kennebec.	12	11	120
New Brunswick.....	14	18	271
Nova Scotia.....	20	18	160
	<u>59</u>	<u>67</u>	<u>782</u>

Deduct value of this rolling stock from cost as above,
say..... \$1,500,000

Leaves for estimated cost to new Company of 419
miles of road..... \$4,902,667

From which it follows that the new Company obtain the entire control, possession, and use of 419 miles of railway now in operation in Maine and the Provinces, by an annual expenditure of an amount equal to six per cent. on \$4,902,667, or \$294,160.

To render this property the most productive and valuable, and to carry out the object of the proposed consolidation, the new Company must build or complete the unfinished portions of the main line between Portland and Halifax, amounting in all to 290 miles.

The surveys show that such is the generally favorable character of the surface, that even at the present high price of materials and labor, these portions can be built for a sum not exceeding probably \$40,000 per mile.

Propositions from responsible parties have been made to the Company to construct and complete over this distance a single track, with stone structures for a double track, together with the necessary sidings and station-houses, for a sum per mile a little short of that amount.

290 miles of road at \$40,000 per mile is \$11,600,000

This amount will be reduced to the Company by the following donations:

1. Donation of the State of Maine of timber on 225,000 acres of land, estimated at	\$200,000
2. Donation from New Brunswick of \$10,000 per mile for 114 miles.....	1,140,000
3. Donation from Nova Scotia of 4 per cent. interest for 20 years, on a cost of \$40,000 per mile for 69 miles, equal to, as stated in prospectus...	1,840,000
4. Amount expended by a former Company in construction East of Bangor, \$378,000, less \$200,000 paid for the same by the new Company, the difference being substantially equivalent to a donation of.....	178,000
5. Claim on United States Government donated by Maine, now before Congress, and favorably reported by Committee, \$10,000 per mile for 107 miles.....	1,070,000
Total donations.....	\$4,428,000
These donations being deducted, leave cost to new Company of 290 miles new road.....	7,172,000
Add cost of 419 miles of existing road as above...	4,902,667
Total cost to the new Company of 709 miles of road.	\$12,074,667
Which is \$17,030 only per mile.	
Add the estimated value of rolling stock acquired by the Company as above.....	1,500,000
And a further expenditure for the same purpose when the new portions are completed.....	500,000
Give for the entire cost of 709 miles of road and equipments to the new Company.....	\$14,074,667
Equal to \$20,000 per mile very nearly.	
Deduct cost of lines in Maine as above	4,736,000
Total East of Bangor.....	\$9,338,667

The annual interest at 6 per cent. on this amount of	
\$9,338,667 is	560,320
It has been shown that the excess of net earnings	
over interest on the cost at six per cent. of the	
220 miles in operation in Maine may be put at ..	225,000
	\$335,320

Leaving the sum of \$335,320 to be realized to the Company from the annual net earnings of 709—220 = 489 miles of road from Bangor to Halifax, to enable it to meet its obligations of interest and pay rental for the property acquired from other companies. To secure this amount, the net earnings of the line from Bangor to Halifax must equal \$861 per mile per annum, for,

290 miles at \$861, is	\$249,670
199 " $\frac{\$861}{2}$, is ..	85,650
	\$335,320

To realize \$861 per mile requires that the gross earnings should be \$1,722 per mile, allowing the usual proportion of fifty per cent. on gross earnings as sufficient to pay expenses. This estimate supposes that the amount required for construction can be borrowed at six per cent., or that whatever is contributed by subscribers to the stock will pay six per cent. A subscription to the extent named in the Prospectus, viz., \$500,000, is necessary to meet in part existing liabilities, as stated. With this, it appears that the consolidation and construction of the lines in Maine and beyond, can be effected. It is worthy of consideration whether it is not best to obtain, if possible, a larger subscription, say to the amount of \$2,000,000, which, with the inducements offered, there should be no great difficulty in obtaining. The capital of the Company by its charter is limited to 150,000 shares; 100,000 shares it is proposed to reserve for the branch to Madawaska and other purposes. The remaining 50,000 shares to be subscribed for at the present time, and upon this subscription \$40 per share to be paid in, which will give the amount required of \$2,000,000.

Under this view of the subject, the annual net earnings to

the Company, to be adequate to pay interest, rental and expenses, and ten per cent. on the \$40 per share of stock paid in, must amount to, per mile, on the 489 miles of road, \$1,067, requiring an amount of gross earnings per mile, per annum, of only \$2,134.

For the entire line of 709 miles, the average net earnings per mile, per annum, to give the same result, must amount to \$1,516, and the gross earnings to \$3,032, which is \$1,000 less than the gross earnings the past year of the lines in operation in Maine.

New Brunswick and Nova Scotia, although not yet in a condition to contribute as fully to the business of the road as Maine, are nevertheless increasing rapidly in population, and have large mineral and agricultural resources. An important item of revenue from the entire line will, it is believed, be found in the receipts from through passengers between Halifax and Boston or New York. The railway being completed from Portland to Halifax, the distance by rail from Halifax to New York will be as follows:

Halifax to Portland, as above.....	590 miles.
Portland to Boston.....	110 "
Boston to New York.....	234 "
Total Halifax to New York.....	934 "

To be reduced to 910 miles when the New York and Boston Air Line is completed, the unfinished portion of which is now under contract.

This entire distance of 910 miles can be passed in $30\frac{1}{2}$ hours, at the average rate of 30 miles per hour, or in about 25 hours, by making 35 miles per hour from New York to Portland, and 40 miles per hour over the broader gauge from Portland to Halifax.

The distance by sea from Halifax to New York is 700 miles direct, requiring 70 hours, at the average rate of steaming of 10 miles per hour, making a saving of one and a half to two days in time by railway as compared with steamer, a saving which will give to the railway a large proportion of the trans-Atlantic travel.

The capabilities of railways and their influence in stimulating and increasing population and business wherever constructed, are now so well understood that nothing need be added upon this head. There can be no doubt that the European and North American Railway Company will possess, when their present plans are perfected, a great and valuable property, and especially valuable to those who may be able and willing to become contributors to its capital stock, under the arrangement as proposed.

EDWIN F. JOHNSON.

MIDDLETOWN, Ct., *November*, 1864.

at-
on-
be
ro-
ss,
ole
ole
er